

***In the Senate of the United States,***

*June 23, 2010.*

*Resolved*, That the bill from the House of Representatives (H.R. 725) entitled “An Act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.”, do pass with the following

**AMENDMENT:**

At the end, add the following:

1    ***DIVISION B—TRIBAL LAW AND***  
2                                   ***ORDER***

3    ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

4           (a) *SHORT TITLE.*—*This Act may be cited as the*  
5    *“Tribal Law and Order Act of 2010”.*

6           (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
7    *division is as follows:*

*DIVISION B—TRIBAL LAW AND ORDER*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Findings; purposes.*

*Sec. 3. Definitions.*

*Sec. 4. Severability.*

*Sec. 5. Jurisdiction of the State of Alaska.*

*Sec. 6. Effect.*

*TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION*

- Sec. 101. Office of Justice Services responsibilities.*  
*Sec. 102. Disposition reports.*  
*Sec. 103. Prosecution of crimes in Indian country.*  
*Sec. 104. Administration.*

*TITLE II—STATE ACCOUNTABILITY AND COORDINATION*

- Sec. 201. State criminal jurisdiction and resources.*  
*Sec. 202. State, tribal, and local law enforcement cooperation.*

*TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES  
AND TRIBAL GOVERNMENTS*

- Sec. 301. Tribal police officers.*  
*Sec. 302. Drug enforcement in Indian country.*  
*Sec. 303. Access to national criminal information databases.*  
*Sec. 304. Tribal court sentencing authority.*  
*Sec. 305. Indian Law and Order Commission.*  
*Sec. 306. Exemption for tribal display materials.*

*TITLE IV—TRIBAL JUSTICE SYSTEMS*

- Sec. 401. Indian alcohol and substance abuse.*  
*Sec. 402. Indian tribal justice; technical and legal assistance.*  
*Sec. 403. Tribal resources grant program.*  
*Sec. 404. Tribal jails program.*  
*Sec. 405. Tribal probation office liaison program.*  
*Sec. 406. Tribal youth program.*  
*Sec. 407. Improving public safety presence in rural Alaska.*

*TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND  
INFORMATION SHARING*

- Sec. 501. Tracking of crimes committed in Indian country.*  
*Sec. 502. Criminal history record improvement program.*

*TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT  
PROSECUTION AND PREVENTION*

- Sec. 601. Prisoner release and reentry.*  
*Sec. 602. Domestic and sexual violence offense training.*  
*Sec. 603. Testimony by Federal employees.*  
*Sec. 604. Coordination of Federal agencies.*  
*Sec. 605. Sexual assault protocol.*  
*Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.*

**1 SEC. 2. FINDINGS; PURPOSES.**

**2 (a) FINDINGS.—Congress finds that—**

1           (1) *the United States has distinct legal, treaty,*  
2           *and trust obligations to provide for the public safety*  
3           *of Indian country;*

4           (2) *Congress and the President have acknowl-*  
5           *edged that—*

6                   (A) *tribal law enforcement officers are often*  
7                   *the first responders to crimes on Indian reserva-*  
8                   *tions; and*

9                   (B) *tribal justice systems are often the most*  
10                  *appropriate institutions for maintaining law*  
11                  *and order in Indian country;*

12           (3) *less than 3,000 tribal and Federal law en-*  
13           *forcement officers patrol more than 56,000,000 acres*  
14           *of Indian country, which reflects less than 1/2 of the*  
15           *law enforcement presence in comparable rural com-*  
16           *munities nationwide;*

17           (4) *the complicated jurisdictional scheme that ex-*  
18           *ists in Indian country—*

19                   (A) *has a significant negative impact on the*  
20                   *ability to provide public safety to Indian com-*  
21                   *munities;*

22                   (B) *has been increasingly exploited by*  
23                   *criminals; and*

1           (C) requires a high degree of commitment  
2           and cooperation among tribal, Federal, and  
3           State law enforcement officials;

4           (5)(A) domestic and sexual violence against  
5           American Indian and Alaska Native women has  
6           reached epidemic proportions;

7           (B) 34 percent of American Indian and Alaska  
8           Native women will be raped in their lifetimes; and

9           (C) 39 percent of American Indian and Alaska  
10          Native women will be subject to domestic violence;

11          (6) Indian tribes have faced significant increases  
12          in instances of domestic violence, burglary, assault,  
13          and child abuse as a direct result of increased meth-  
14          amphetamine use on Indian reservations; and

15          (7) crime data is a fundamental tool of law en-  
16          forcement, but for decades the Bureau of Indian Af-  
17          fairs and the Department of Justice have not been  
18          able to coordinate or consistently report crime and  
19          prosecution rates in tribal communities.

20          (b) PURPOSES.—The purposes of this division are—

21               (1) to clarify the responsibilities of Federal,  
22               State, tribal, and local governments with respect to  
23               crimes committed in Indian country;

(2) *to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;*

(3) *to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;*

(4) *to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;*

(5) *to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and*

(6) *to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.*

**SEC. 3. DEFINITIONS.**

(a) *IN GENERAL.*—*In this division:*

(1) *INDIAN COUNTRY.*—*The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.*

(2) *INDIAN TRIBE.*—*The term “Indian tribe” has the meaning given the term in section 102 of the Fed-*

1 *erally Recognized Indian Tribe List Act of 1994 (25*  
 2 *U.S.C. 479a).*

3 (3) *SECRETARY.*—*The term “Secretary” means*  
 4 *the Secretary of the Interior.*

5 (4) *TRIBAL GOVERNMENT.*—*The term “tribal*  
 6 *government” means the governing body of a federally*  
 7 *recognized Indian tribe.*

8 (b) *INDIAN LAW ENFORCEMENT REFORM ACT.*—*Sec-*  
 9 *tion 2 of the Indian Law Enforcement Reform Act (25*  
 10 *U.S.C. 2801) is amended by adding at the end the following:*

11 “(10) *The term ‘tribal justice official’ means—*

12 “(A) *a tribal prosecutor;*

13 “(B) *a tribal law enforcement officer; or*

14 “(C) *any other person responsible for inves-*  
 15 *tigating or prosecuting an alleged criminal of-*  
 16 *fense in tribal court.”.*

17 **SEC. 4. SEVERABILITY.**

18 *If any provision of this division, an amendment made*  
 19 *by this division, or the application of such a provision or*  
 20 *amendment to any individual, entity, or circumstance, is*  
 21 *determined by a court of competent jurisdiction to be in-*  
 22 *valid, the remaining provisions of this division, the remain-*  
 23 *ing amendments made by this division, and the application*  
 24 *of those provisions and amendments to individuals, entities,*

1 *or circumstances other than the affected individual, entity,*  
 2 *or circumstance shall not be affected.*

3 **SEC. 5. JURISDICTION OF THE STATE OF ALASKA.**

4 *Nothing in this Act limits, alters, expands, or dimin-*  
 5 *ishes the civil or criminal jurisdiction of the State of Alas-*  
 6 *ka, any subdivision of the State of Alaska, or any Indian*  
 7 *tribe in that State.*

8 **SEC. 6. EFFECT.**

9 *Nothing in this Act confers on an Indian tribe crimi-*  
 10 *nal jurisdiction over non-Indians.*

11 **TITLE I—FEDERAL ACCOUNT-**  
 12 **ABILITY AND COORDINATION**

13 **SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBIL-**  
 14 **ITIES.**

15 *(a) DEFINITIONS.—Section 2 of the Indian Law En-*  
 16 *forcement Reform Act (25 U.S.C. 2801) is amended—*

17 *(1) by striking paragraph (8);*

18 *(2) by redesignating paragraphs (1) through (7)*  
 19 *as paragraphs (2) through (8), respectively;*

20 *(3) by redesignating paragraph (9) as para-*  
 21 *graph (1) and moving the paragraphs so as to appear*  
 22 *in numerical order; and*

23 *(4) in paragraph (1) (as redesignated by para-*  
 24 *graph (3)), by striking “Division of Law Enforcement*  
 25 *Services” and inserting “Office of Justice Services”.*

1       **(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.**—*Sec-*  
 2 *tion 3 of the Indian Law Enforcement Reform Act (25*  
 3 *U.S.C. 2802) is amended—*

4           *(1) in subsection (b), by striking “(b) There is*  
 5 *hereby established within the Bureau a Division of*  
 6 *Law Enforcement Services which” and inserting the*  
 7 *following:*

8       **“(b) OFFICE OF JUSTICE SERVICES.**—*There is estab-*  
 9 *lished in the Bureau an office, to be known as the ‘Office*  
 10 *of Justice Services’, that”;*

11           *(2) in subsection (c)—*

12           *(A) in the matter preceding paragraph (1),*  
 13 *by striking “Division of Law Enforcement Serv-*  
 14 *ices” and inserting “Office of Justice Services”;*

15           *(B) in paragraph (8), by striking “and” at*  
 16 *the end;*

17           *(C) in paragraph (9), by striking the period*  
 18 *at the end and inserting a semicolon; and*

19           *(D) by adding at the end the following:*

20           *“(10) the development and provision of dispatch*  
 21 *and emergency and E–911 services;*

22           *“(11) communicating with tribal leaders, tribal*  
 23 *community and victims’ advocates, tribal justice offi-*  
 24 *cials, indigent defense representatives, and residents*



1     *of Indian country on a regular basis regarding public*  
2     *safety and justice concerns facing tribal communities;*

3             *“(12) conducting meaningful and timely con-*  
4     *sultation with tribal leaders and tribal justice offi-*  
5     *cials in the development of regulatory policies and*  
6     *other actions that affect public safety and justice in*  
7     *Indian country;*

8             *“(13) providing technical assistance and train-*  
9     *ing to tribal law enforcement officials to gain access*  
10    *and input authority to utilize the National Criminal*  
11    *Information Center and other national crime infor-*  
12    *mation databases pursuant to section 534 of title 28,*  
13    *United States Code;*

14            *“(14) in coordination with the Attorney General*  
15    *pursuant to subsection (g) of section 302 of the Omni-*  
16    *bus Crime Control and Safe Streets Act of 1968 (42*  
17    *U.S.C. 3732), collecting, analyzing, and reporting*  
18    *data regarding Indian country crimes on an annual*  
19    *basis;*

20            *“(15) on an annual basis, sharing with the De-*  
21    *partment of Justice all relevant crime data, including*  
22    *Uniform Crime Reports, that the Office of Justice*  
23    *Services prepares and receives from tribal law en-*  
24    *forcement agencies on a tribe-by-tribe basis to ensure*  
25    *that individual tribal governments providing data are*

1     *eligible for programs offered by the Department of*  
2     *Justice;*

3             *“(16) submitting to the appropriate committees*  
4     *of Congress, for each fiscal year, a detailed spending*  
5     *report regarding tribal public safety and justice pro-*  
6     *grams that includes—*

7             *“(A)(i) the number of full-time employees of*  
8     *the Bureau and tribal governments who serve*  
9     *as—*

10            *“(I) criminal investigators;*

11            *“(II) uniform police;*

12            *“(III) police and emergency dis-*  
13     *patchers;*

14            *“(IV) detention officers;*

15            *“(V) executive personnel, including*  
16     *special agents in charge, and directors and*  
17     *deputies of various offices in the Office of*  
18     *Justice Services; and*

19            *“(VI) tribal court judges, prosecutors,*  
20     *public defenders, appointed defense counsel,*  
21     *or related staff; and*

22            *“(ii) the amount of appropriations obli-*  
23     *gated for each category described in clause (i) for*  
24     *each fiscal year;*

1           “(B) a list of amounts dedicated to law en-  
2           forcement and corrections, vehicles, related trans-  
3           portation costs, equipment, inmate transpor-  
4           tation costs, inmate transfer costs, replacement,  
5           improvement, and repair of facilities, personnel  
6           transfers, detailees and costs related to their de-  
7           tails, emergency events, public safety and justice  
8           communications and technology costs, and tribal  
9           court personnel, facilities, indigent defense, and  
10          related program costs;

11          “(C) a list of the unmet staffing needs of  
12          law enforcement, corrections, and court personnel  
13          (including indigent defense and prosecution  
14          staff) at tribal and Bureau of Indian Affairs jus-  
15          tice agencies, the replacement and repair needs  
16          of tribal and Bureau corrections facilities, needs  
17          for tribal police and court facilities, and public  
18          safety and emergency communications and tech-  
19          nology needs; and

20          “(D) the formula, priority list or other  
21          methodology used to determine the method of dis-  
22          bursement of funds for the public safety and jus-  
23          tice programs administered by the Office of Jus-  
24          tice Services;

1           “(17) submitting to the appropriate committees  
 2       of Congress, for each fiscal year, a report summa-  
 3       rizing the technical assistance, training, and other  
 4       support provided to tribal law enforcement and cor-  
 5       rections agencies that operate relevant programs pur-  
 6       suant to self-determination contracts or self-govern-  
 7       ance compacts with the Secretary; and

8           “(18) promulgating regulations to carry out this  
 9       Act, and routinely reviewing and updating, as nec-  
 10      essary, the regulations contained in subchapter B of  
 11      title 25, Code of Federal Regulations (or successor reg-  
 12      ulations).”;

13           (3) in subsection (d)—

14               (A) in paragraph (1), by striking “Division  
 15              of Law Enforcement Services” and inserting  
 16              “Office of Justice Services”; and

17               (B) in paragraph (4)(i), in the first sen-  
 18              tence, by striking “Division” and inserting “Of-  
 19              fice of Justice Services”;

20           (4) in subsection (e), by striking “Division of  
 21       Law Enforcement Services” each place it appears and  
 22       inserting “Office of Justice Services”; and

23           (5) by adding at the end the following:

24       “(f) LONG-TERM PLAN FOR TRIBAL DETENTION PRO-  
 25       GRAMS.—Not later than 1 year after the date of enactment

1 *of this subsection, the Secretary, acting through the Bureau,*  
2 *in coordination with the Department of Justice and in con-*  
3 *sultation with tribal leaders, tribal courts, tribal law en-*  
4 *forcement officers, and tribal corrections officials, shall sub-*  
5 *mit to Congress a long-term plan to address incarceration*  
6 *in Indian country, including—*

7           “(1) a description of proposed activities for—

8                   “(A) the construction, operation, and main-  
9                   tenance of juvenile (in accordance with section  
10                   4220(a)(3) of the Indian Alcohol and Substance  
11                   Abuse Prevention and Treatment Act of 1986 (25  
12                   U.S.C. 2453(a)(3)) and adult detention facilities  
13                   (including regional facilities) in Indian country;

14                   “(B) contracting with State and local de-  
15                   tention centers, upon approval of affected tribal  
16                   governments; and

17                   “(C) alternatives to incarceration, developed  
18                   in cooperation with tribal court systems;

19           “(2) an assessment and consideration of the con-  
20           struction of Federal detention facilities in Indian  
21           country; and

22                   “(3) any other alternatives as the Secretary, in  
23                   coordination with the Attorney General and in con-  
24                   sultation with Indian tribes, determines to be nec-  
25                   essary.”.

1       (c) *LAW ENFORCEMENT AUTHORITY*.—Section 4 of the  
 2   *Indian Law Enforcement Reform Act (25 U.S.C. 2803)* is  
 3   amended—

4           (1) in paragraph (2)(A), by striking “), or” and  
 5       inserting “or offenses processed by the Central Viola-  
 6       tions Bureau); or”; and

7           (2) in paragraph (3)—

8               (A) in subparagraph (B), by striking “, or”  
 9       at the end and inserting a semicolon;

10            (B) in subparagraphs (B) and (C), by strik-  
 11       ing “reasonable grounds” each place it appears  
 12       and inserting “probable cause”;

13            (C) in subparagraph (C), by adding “or” at  
 14       the end; and

15            (D) by adding at the end the following:

16               “(D)(i) the offense involves—

17                   “(I) a misdemeanor controlled sub-  
 18       stance offense in violation of—

19                       “(aa) the Controlled Substances  
 20       Act (21 U.S.C. 801 et seq.);

21                       “(bb) title IX of the Personal Re-  
 22       sponsibility and Work Opportunity  
 23       Reconciliation Act of 1996 (21 U.S.C.  
 24       862a et seq.); or

1 “(cc) section 731 of the USA PA-  
 2 *TRIO*T Improvement and Reauthor-  
 3 ization Act of 2005 (21 U.S.C. 865);

4 “(II) a misdemeanor firearms offense  
 5 in violation of chapter 44 of title 18, United  
 6 States Code;

7 “(III) a misdemeanor assault in viola-  
 8 tion of chapter 7 of title 18, United States  
 9 Code; or

10 “(IV) a misdemeanor liquor trafficking  
 11 offense in violation of chapter 59 of title 18,  
 12 United States Code; and

13 “(ii) the employee has probable cause to be-  
 14 lieve that the individual to be arrested has com-  
 15 mitted, or is committing, the crime;”.

16 **SEC. 102. DISPOSITION REPORTS.**

17 *Section 10 of the Indian Law Enforcement Reform Act*  
 18 *(25 U.S.C. 2809) is amended by striking subsections (a)*  
 19 *through (d) and inserting the following:*

20 “(a) *COORDINATION AND DATA COLLECTION.*—

21 “(1) *INVESTIGATIVE COORDINATION.*—Subject to  
 22 subsection (c), if a law enforcement officer or em-  
 23 ployee of any Federal department or agency termi-  
 24 nates an investigation of an alleged violation of Fed-  
 25 eral criminal law in Indian country without referral

1 *for prosecution, the officer or employee shall coordi-*  
2 *nate with the appropriate tribal law enforcement offi-*  
3 *cials regarding the status of the investigation and the*  
4 *use of evidence relevant to the case in a tribal court*  
5 *with authority over the crime alleged.*

6 “(2) *INVESTIGATION DATA.*—*The Federal Bureau*  
7 *of Investigation shall compile, on an annual basis*  
8 *and by Field Division, information regarding deci-*  
9 *sions not to refer to an appropriate prosecuting au-*  
10 *thority cases in which investigations had been opened*  
11 *into an alleged crime in Indian country, including—*

12 “(A) *the types of crimes alleged;*

13 “(B) *the statuses of the accused as Indians*  
14 *or non-Indians;*

15 “(C) *the statuses of the victims as Indians*  
16 *or non-Indians; and*

17 “(D) *the reasons for deciding against refer-*  
18 *ring the investigation for prosecution.*

19 “(3) *PROSECUTORIAL COORDINATION.*—*Subject*  
20 *to subsection (c), if a United States Attorney declines*  
21 *to prosecute, or acts to terminate prosecution of, an*  
22 *alleged violation of Federal criminal law in Indian*  
23 *country, the United States Attorney shall coordinate*  
24 *with the appropriate tribal justice officials regarding*  
25 *the status of the investigation and the use of evidence*



1       *relevant to the case in a tribal court with authority*  
2       *over the crime alleged.*

3               “(4) *PROSECUTION DATA.*—*The United States*  
4       *Attorney shall submit to the Native American Issues*  
5       *Coordinator to compile, on an annual basis and by*  
6       *Federal judicial district, information regarding all*  
7       *declinations of alleged violations of Federal criminal*  
8       *law that occurred in Indian country that were re-*  
9       *ferred for prosecution by law enforcement agencies,*  
10       *including—*

11               “(A) *the types of crimes alleged;*

12               “(B) *the statuses of the accused as Indians*  
13       *or non-Indians;*

14               “(C) *the statuses of the victims as Indians*  
15       *or non-Indians; and*

16               “(D) *the reasons for deciding to decline or*  
17       *terminate the prosecutions.*

18       “(b) *ANNUAL REPORTS.*—*The Attorney General shall*  
19       *submit to Congress annual reports containing, with respect*  
20       *to the applicable calendar year, the information compiled*  
21       *under paragraphs (2) and (4) of subsection (a)—*

22               “(1) *organized—*

23               “(A) *in the aggregate; and*

24               “(B)(i) *for the Federal Bureau of Investiga-*  
25       *tion, by Field Division; and*

1                   “(ii) for United States Attorneys, by Fed-  
2                   eral judicial district; and

3                   “(2) including any relevant explanatory state-  
4                   ments.

5                   “(c) *EFFECT OF SECTION.*—

6                   “(1) *IN GENERAL.*—Nothing in this section re-  
7                   quires any Federal agency or official to transfer or  
8                   disclose any confidential, privileged, or statutorily  
9                   protected communication, information, or source to  
10                  an official of any Indian tribe.

11                  “(2) *FEDERAL RULES OF CRIMINAL PROCE-*  
12                  *DURE.*—Nothing in this section affects or limits the  
13                  requirements of Rule 6 of the Federal Rules of Crimi-  
14                  nal Procedure.

15                  “(3) *REGULATIONS.*—The Attorney General shall  
16                  establish, by regulation, standards for the protection  
17                  of the confidential or privileged communications, in-  
18                  formation, and sources described in this section.”.

19 **SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.**

20                  (a) *APPOINTMENT OF SPECIAL PROSECUTORS.*—

21                  (1) *IN GENERAL.*—Section 543 of title 28,  
22                  United States Code, is amended—

23                         (A) in subsection (a), by inserting before the  
24                         period at the end the following: “, including the  
25                         appointment of qualified tribal prosecutors and

1           *other qualified attorneys to assist in prosecuting*  
 2           *Federal offenses committed in Indian country”;*  
 3           *and*

4           *(B) by adding at the end the following:*

5           “(c) *INDIAN COUNTRY.*—*In this section, the term ‘In-*  
 6           *dian country’ has the meaning given that term in section*  
 7           *1151 of title 18.’”.*

8           (2) *SENSE OF CONGRESS REGARDING CONSULTA-*  
 9           *TION.*—*It is the sense of Congress that, in appointing*  
 10           *attorneys under section 543 of title 28, United States*  
 11           *Code, to serve as special prosecutors in Indian coun-*  
 12           *try, the Attorney General should consult with tribal*  
 13           *justice officials of each Indian tribe that would be af-*  
 14           *ected by the appointment.*

15           (b) *TRIBAL LIAISONS.*—

16           (1) *IN GENERAL.*—*The Indian Law Enforcement*  
 17           *Reform Act (25 U.S.C. 2801 et seq.) is amended by*  
 18           *adding at the end the following:*

19           **“SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-**  
 20           **AISONS.**

21           “(a) *APPOINTMENT.*—*The United States Attorney for*  
 22           *each district that includes Indian country shall appoint not*  
 23           *less than 1 assistant United States Attorney to serve as a*  
 24           *tribal liaison for the district.*

1       “(b) *DUTIES.*—*The duties of a tribal liaison shall in-*  
2 *clude the following:*

3               “(1) *Coordinating the prosecution of Federal*  
4 *crimes that occur in Indian country.*

5               “(2) *Developing multidisciplinary teams to com-*  
6 *bat child abuse and domestic and sexual violence of-*  
7 *fenses against Indians.*

8               “(3) *Consulting and coordinating with tribal*  
9 *justice officials and victims’ advocates to address any*  
10 *backlog in the prosecution of major crimes in Indian*  
11 *country in the district.*

12              “(4) *Developing working relationships and*  
13 *maintaining communication with tribal leaders, trib-*  
14 *al community and victims’ advocates, and tribal jus-*  
15 *tice officials to gather information from, and share*  
16 *appropriate information with, tribal justice officials.*

17              “(5) *Coordinating with tribal prosecutors in*  
18 *cases in which a tribal government has concurrent ju-*  
19 *risdiction over an alleged crime, in advance of the ex-*  
20 *piration of any applicable statute of limitation.*

21              “(6) *Providing technical assistance and training*  
22 *regarding evidence gathering techniques and strategies*  
23 *to address victim and witness protection to tribal jus-*  
24 *tice officials and other individuals and entities that*

1       are instrumental to responding to Indian country  
2       crimes.

3               “(7) Conducting training sessions and seminars  
4       to certify special law enforcement commissions to  
5       tribal justice officials and other individuals and enti-  
6       ties responsible for responding to Indian country  
7       crimes.

8               “(8) Coordinating with the Office of Tribal Jus-  
9       tice, as necessary.

10              “(9) Conducting such other activities to address  
11       and prevent violent crime in Indian country as the  
12       applicable United States Attorney determines to be  
13       appropriate.

14              “(c) *EFFECT OF SECTION.*—Nothing in this section  
15       limits the authority of any United States Attorney to deter-  
16       mine the duties of a tribal liaison officer to meet the needs  
17       of the Indian tribes located within the relevant Federal dis-  
18       trict.

19              “(d) *ENHANCED PROSECUTION OF MINOR CRIMES.*—

20                      “(1) *IN GENERAL.*—Each United States Attorney  
21       serving a district that includes Indian country is au-  
22       thorized and encouraged—

23                              “(A) to appoint Special Assistant United  
24                      States Attorneys pursuant to section 543(a) of  
25                      title 28, United States Code, to prosecute crimes

1           *in Indian country as necessary to improve the*  
2           *administration of justice, and particularly*  
3           *when—*

4                     “(i) *the crime rate exceeds the national*  
5                     *average crime rate; or*

6                     “(ii) *the rate at which criminal of-*  
7                     *fenses are declined to be prosecuted exceeds*  
8                     *the national average declination rate;*

9                     “(B) *to coordinate with applicable United*  
10                    *States district courts regarding scheduling of In-*  
11                    *Indian country matters and holding trials or other*  
12                    *proceedings in Indian country, as appropriate;*

13                    “(C) *to provide to appointed Special Assist-*  
14                    *ant United States Attorneys appropriate train-*  
15                    *ing, supervision, and staff support; and*

16                    “(D) *to provide technical and other assist-*  
17                    *ance to tribal governments and tribal court sys-*  
18                    *tems to ensure that the goals of this subsection*  
19                    *are achieved.*

20                    “(2) *SENSE OF CONGRESS REGARDING CON-*  
21                    *SULTATION.—It is the sense of Congress that, in ap-*  
22                    *pointing Special Assistant United States Attorneys*  
23                    *under this subsection, a United States Attorney*  
24                    *should consult with tribal justice officials of each In-*

1        *dian tribe that would be affected by the appoint-*  
 2        *ment.”.*

3                (2) *SENSE OF CONGRESS REGARDING EVALUA-*  
 4        *TIONS OF TRIBAL LIAISONS.—*

5                (A) *FINDINGS.—Congress finds that—*

6                        (i) *many residents of Indian country*  
 7                        *rely solely on United States Attorneys of-*  
 8                        *fices to prosecute felony and misdemeanor*  
 9                        *crimes occurring on Indian land; and*

10                      (ii) *tribal liaisons have dual obliga-*  
 11                      *tions of—*

12                                (I) *coordinating prosecutions of*  
 13                                *Indian country crime; and*

14                                (II) *developing relationships with*  
 15                                *residents of Indian country and serv-*  
 16                                *ing as a link between Indian country*  
 17                                *residents and the Federal justice proc-*  
 18                                *ess.*

19                (B) *SENSE OF CONGRESS.—It is the sense of*  
 20        *Congress that the Attorney General should—*

21                        (i) *take all appropriate actions to en-*  
 22                        *courage the aggressive prosecution of all*  
 23                        *Federal crimes committed in Indian coun-*  
 24                        *try; and*

(ii) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in subparagraph (A)(ii) in evaluating the performance of the tribal liaisons.

**SEC. 104. ADMINISTRATION.**

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Tribal Justice.”.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:



1 **“SEC. 106. OFFICE OF TRIBAL JUSTICE.**

2       “(a) *IN GENERAL.*—Not later than 90 days after the  
3 date of enactment of the Tribal Law and Order Act of 2010,  
4 the Attorney General shall establish the Office of Tribal Jus-  
5 tice as a component of the Department.

6       “(b) *PERSONNEL AND FUNDING.*—The Attorney Gen-  
7 eral shall provide to the Office of Tribal Justice such per-  
8 sonnel and funds as are necessary to establish the Office  
9 of Tribal Justice as a component of the Department under  
10 subsection (a).

11       “(c) *DUTIES.*—The Office of Tribal Justice shall—

12               “(1) serve as the program and legal policy advi-  
13 sor to the Attorney General with respect to the treaty  
14 and trust relationship between the United States and  
15 Indian tribes;

16               “(2) serve as the point of contact for federally  
17 recognized tribal governments and tribal organiza-  
18 tions with respect to questions and comments regard-  
19 ing policies and programs of the Department and  
20 issues relating to public safety and justice in Indian  
21 country; and

22               “(3) coordinate with other bureaus, agencies, of-  
23 fices, and divisions within the Department of Justice  
24 to ensure that each component has an accountable  
25 process to ensure meaningful and timely consultation

1       *with tribal leaders in the development of regulatory*  
 2       *policies and other actions that affect—*

3               “(A) *the trust responsibility of the United*  
 4       *States to Indian tribes;*

5               “(B) *any tribal treaty provision;*

6               “(C) *the status of Indian tribes as sovereign*  
 7       *governments; or*

8               “(D) *any other tribal interest.*”.

9       (b) *NATIVE AMERICAN ISSUES COORDINATOR.—The*  
 10   *Indian Law Enforcement Reform Act (25 U.S.C. 2801 et*  
 11   *seq.) (as amended by section 103(b)) is amended by adding*  
 12   *at the end the following:*

13   **“SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.**

14       “(a) *ESTABLISHMENT.—There is established in the Ex-*  
 15   *ecutive Office for United States Attorneys of the Depart-*  
 16   *ment of Justice a position to be known as the ‘Native Amer-*  
 17   *ican Issues Coordinator’.*

18       “(b) *DUTIES.—The Native American Issues Coordi-*  
 19   *nator shall—*

20               “(1) *coordinate with the United States Attorneys*  
 21       *that have authority to prosecute crimes in Indian*  
 22       *country;*

23               “(2) *coordinate prosecutions of crimes of na-*  
 24       *tional significance in Indian country, as determined*  
 25       *by the Attorney General;*

“(3) *coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and*

“(4) *carry out such other duties as the Attorney General may prescribe.*”.

## **TITLE II—STATE ACCOUNT- ABILITY AND COORDINATION**

### **SEC. 201. STATE CRIMINAL JURISDICTION AND RE- SOURCES.**

(a) *CONCURRENT AUTHORITY OF UNITED STATES.—*  
*Section 401(a) of the Indian Civil Rights Act of 1968 (25 U.S.C. 1321(a)) is amended—*

(1) *by striking the section designation and heading and all that follows through “The consent of the United States” and inserting the following:*

#### **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.**

*“(a) CONSENT OF UNITED STATES.—*

*“(1) IN GENERAL.—The consent of the United States”; and*

*(2) by adding at the end the following:*

*“(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United*

1       *States shall accept concurrent jurisdiction to pros-*  
 2       *ecute violations of sections 1152 and 1153 of title 18,*  
 3       *United States Code, within the Indian country of the*  
 4       *Indian tribe.”.*

5       ***(b) APPLICABLE LAW.***—*Section 1162 of title 18,*  
 6       *United States Code, is amended by adding at the end the*  
 7       *following:*

8           “(d) *Notwithstanding subsection (c), at the request of*  
 9       *an Indian tribe, and after consultation with and consent*  
 10       *by the Attorney General—*

11           “(1) *sections 1152 and 1153 shall apply in the*  
 12       *areas of the Indian country of the Indian tribe; and*

13           “(2) *jurisdiction over those areas shall be concur-*  
 14       *rent among the Federal Government, State govern-*  
 15       *ments, and, where applicable, tribal governments.”.*

16       ***SEC. 202. STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT***  
 17       ***COOPERATION.***

18       *The Attorney General may provide technical and other*  
 19       *assistance to State, tribal, and local governments that enter*  
 20       *into cooperative agreements, including agreements relating*  
 21       *to mutual aid, hot pursuit of suspects, and cross-deputiza-*  
 22       *tion for the purposes of—*

23           (1) *improving law enforcement effectiveness;*

24           (2) *reducing crime in Indian country and near-*  
 25       *by communities; and*

(3) *developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.*

***TITLE III—EMPOWERING TRIBAL  
LAW ENFORCEMENT AGEN-  
CIES AND TRIBAL GOVERN-  
MENTS***

***SEC. 301. TRIBAL POLICE OFFICERS.***

(a) *FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.*—*Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking “(e)(1) The Secretary” and inserting the following:*

*“(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—*

*“(1) STANDARDS OF EDUCATION AND EXPERIENCE.—*

*“(A) IN GENERAL.—The Secretary”; and*

*(B) by adding at the end the following:*

*“(B) REQUIREMENTS FOR TRAINING.—The training standards established under subparagraph (A)—*

1           “(i) shall be consistent with standards  
2           accepted by the Federal Law Enforcement  
3           Training Accreditation commission for law  
4           enforcement officers attending similar pro-  
5           grams; and

6           “(ii) shall include, or be supplemented  
7           by, instruction regarding Federal sources of  
8           authority and jurisdiction, Federal crimes,  
9           Federal rules of criminal procedure, and  
10          constitutional law to bridge the gap between  
11          State training and Federal requirements.

12          “(C) TRAINING AT STATE, TRIBAL, AND  
13          LOCAL ACADEMIES.—Law enforcement personnel  
14          of the Office of Justice Services or an Indian  
15          tribe may satisfy the training standards estab-  
16          lished under subparagraph (A) through training  
17          at a State or tribal police academy, a State, re-  
18          gional, local, or tribal college or university, or  
19          other training academy (including any program  
20          at a State, regional, local, or tribal college or  
21          university) that meets the appropriate Peace Of-  
22          ficer Standards of Training.

23          “(D) MAXIMUM AGE REQUIREMENT.—Pur-  
24          suant to section 3307(e) of title 5, United States  
25          Code, the Secretary may employ as a law en-

1       *forcement officer under section 4 any individual*  
 2       *under the age of 47, if the individual meets all*  
 3       *other applicable hiring requirements for the ap-*  
 4       *plicable law enforcement position.”;*

5       *(2) in paragraph (3), by striking “Agencies” and*  
 6       *inserting “agencies”; and*

7       *(3) by adding at the end the following:*

8       *“(4) BACKGROUND CHECKS FOR TRIBAL JUSTICE*  
 9       *OFFICIALS.—*

10       *“(A) IN GENERAL.—The Office of Justice*  
 11       *Services shall develop standards and deadlines*  
 12       *for the provision of background checks to tribal*  
 13       *law enforcement and corrections officials.*

14       *“(B) TIMING.—If a request for a back-*  
 15       *ground check is made by an Indian tribe that*  
 16       *has contracted or entered into a compact for law*  
 17       *enforcement or corrections services with the Bu-*  
 18       *reau of Indian Affairs pursuant to the Indian*  
 19       *Self-Determination and Education Assistance*  
 20       *Act (25 U.S.C. 450 et seq.), the Office of Justice*  
 21       *Services shall complete the check not later than*  
 22       *60 days after the date of receipt of the request,*  
 23       *unless an adequate reason for failure to respond*  
 24       *by that date is provided to the Indian tribe in*  
 25       *writing.”.*

1       **(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.**—*Sec-*  
 2 *tion 5 of the Indian Law Enforcement Reform Act (25*  
 3 *U.S.C. 2804) is amended—*

4               *(1) by striking “(a) The Secretary may enter*  
 5 *into an agreement” and inserting the following:*

6       **“(a) AGREEMENTS.**—

7               **“(1) IN GENERAL.**—*Not later than 180 days*  
 8 *after the date of enactment of the Tribal Law and*  
 9 *Order Act of 2010, the Secretary shall establish proce-*  
 10 *dures to enter into memoranda of agreement”;*

11              *(2) in the second sentence, by striking “The Sec-*  
 12 *retary” and inserting the following:*

13              **“(2) CERTAIN ACTIVITIES.**—*The Secretary”;* and

14              *(3) by adding at the end the following:*

15              **“(3) PROGRAM ENHANCEMENT.**—

16              **“(A) TRAINING SESSIONS IN INDIAN COUN-**  
 17 **TRY.**—

18              **“(i) IN GENERAL.**—*The procedures de-*  
 19 *scribed in paragraph (1) shall include the*  
 20 *development of a plan to enhance the certifi-*  
 21 *cation and provision of special law enforce-*  
 22 *ment commissions to tribal law enforcement*  
 23 *officials, and, subject to subsection (d),*  
 24 *State and local law enforcement officials,*  
 25 *pursuant to this section.*



“(ii) *INCLUSIONS.*—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

“(B) *MEMORANDA OF AGREEMENT.*—

“(i) *IN GENERAL.*—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

“(ii) *SUBSTANCE OF AGREEMENTS.*—Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 3(c).

“(iii) *AGREEMENT.*—Not later than 60 days after the date on which the Secretary determines that all applicable requirements

1                   under clause (i) are met, the Secretary shall  
 2                   offer to enter into a special law enforcement  
 3                   commission agreement with the Indian  
 4                   tribe.”.

5           (c) *INDIAN LAW ENFORCEMENT FOUNDATION.*—The  
 6 *Indian Self-Determination and Education Assistance Act*  
 7 *(25 U.S.C. 450 et seq.)* is amended by adding at the end  
 8 the following:

9                   **“TITLE VII—INDIAN LAW**  
 10                  **ENFORCEMENT FOUNDATION**

11       **“SEC. 701. DEFINITIONS.**

12       *“In this title:*

13               “(1) *BOARD.*—The term ‘Board’ means the  
 14       *Board of Directors of the Foundation.*

15               “(2) *BUREAU.*—The term ‘Bureau’ means the  
 16       *Office of Justice Services of the Bureau of Indian Af-*  
 17       *fairs.*

18               “(3) *COMMITTEE.*—The term ‘Committee’ means  
 19       *the Committee for the Establishment of the Indian*  
 20       *Law Enforcement Foundation established under sec-*  
 21       *tion 702(e)(1).*

22               “(4) *FOUNDATION.*—The term ‘Foundation’  
 23       *means the Indian Law Enforcement Foundation es-*  
 24       *tablished under section 702.*

1           “(5) *SECRETARY.*—*The term ‘Secretary’ means*  
 2           *the Secretary of the Interior.*

3   **“SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.**

4           “(a) *ESTABLISHMENT.*—

5           “(1) *IN GENERAL.*—*As soon as practicable after*  
 6           *the date of enactment of this title, the Secretary shall*  
 7           *establish, under the laws of the District of Columbia*  
 8           *and in accordance with this title, a foundation, to be*  
 9           *known as the ‘Indian Law Enforcement Foundation’.*

10          “(2) *FUNDING DETERMINATIONS.*—*No funds,*  
 11          *gift, property, or other item of value (including any*  
 12          *interest accrued on such an item) acquired by the*  
 13          *Foundation shall—*

14               “(A) *be taken into consideration for pur-*  
 15               *poses of determining Federal appropriations re-*  
 16               *lating to the provision of public safety or justice*  
 17               *services to Indians; or*

18               “(B) *otherwise limit, diminish, or affect the*  
 19               *Federal responsibility for the provision of public*  
 20               *safety or justice services to Indians.*

21          “(b) *NATURE OF CORPORATION.*—*The Foundation—*

22               “(1) *shall be a charitable and nonprofit federally*  
 23               *chartered corporation; and*

24               “(2) *shall not be an agency or instrumentality of*  
 25               *the United States.*

1       “(c) *PLACE OF INCORPORATION AND DOMICILE.*—The  
 2   *Foundation shall be incorporated and domiciled in the Dis-*  
 3   *trict of Columbia.*

4       “(d) *DUTIES.*—The *Foundation shall*—

5           “(1) *encourage, accept, and administer, in ac-*  
 6   *cordance with the terms of each donation, private*  
 7   *gifts of real and personal property, and any income*  
 8   *from or interest in such gifts, for the benefit of, or in*  
 9   *support of, public safety and justice services in Amer-*  
 10   *ican Indian and Alaska Native communities; and*

11          “(2) *assist the Office of Justice Services of the*  
 12   *Bureau of Indian Affairs and Indian tribal govern-*  
 13   *ments in funding and conducting activities and pro-*  
 14   *viding education to advance and support the provi-*  
 15   *sion of public safety and justice services in American*  
 16   *Indian and Alaska Native communities.*

17       “(e) *COMMITTEE FOR THE ESTABLISHMENT OF THE*  
 18   *INDIAN LAW ENFORCEMENT FOUNDATION.*—

19           “(1) *IN GENERAL.*—The *Secretary shall establish*  
 20   *a committee, to be known as the ‘Committee for the*  
 21   *Establishment of the Indian Law Enforcement Foun-*  
 22   *dation’, to assist the Secretary in establishing the*  
 23   *Foundation.*

1           “(2) *DUTIES.*—Not later than 180 days after the  
2       *date of enactment of this section, the Committee*  
3       *shall—*

4           “(A) *carry out such activities as are nec-*  
5       *essary to incorporate the Foundation under the*  
6       *laws of the District of Columbia, including act-*  
7       *ing as incorporators of the Foundation;*

8           “(B) *ensure that the Foundation qualifies*  
9       *for and maintains the status required to carry*  
10      *out this section, until the date on which the*  
11      *Board is established;*

12          “(C) *establish the constitution and initial*  
13      *bylaws of the Foundation;*

14          “(D) *provide for the initial operation of the*  
15      *Foundation, including providing for temporary*  
16      *or interim quarters, equipment, and staff; and*

17          “(E) *appoint the initial members of the*  
18      *Board in accordance with the constitution and*  
19      *initial bylaws of the Foundation.*

20      “(f) *BOARD OF DIRECTORS.*—

21          “(1) *IN GENERAL.*—*The Board of Directors shall*  
22      *be the governing body of the Foundation.*

23          “(2) *POWERS.*—*The Board may exercise, or pro-*  
24      *vide for the exercise of, the powers of the Foundation.*

25          “(3) *SELECTION.*—

1           “(A) *IN GENERAL.*—Subject to subpara-  
 2           graph (B), the number of members of the Board,  
 3           the manner of selection of the members (includ-  
 4           ing the filling of vacancies), and the terms of of-  
 5           fice of the members shall be as provided in the  
 6           constitution and bylaws of the Foundation.

7           “(B) *REQUIREMENTS.*—

8           “(i) *NUMBER OF MEMBERS.*—The  
 9           Board shall be composed of not less than 7  
 10          members.

11          “(ii) *INITIAL VOTING MEMBERS.*—The  
 12          initial voting members of the Board—

13                 “(I) shall be appointed by the  
 14                 Committee not later than 180 days  
 15                 after the date on which the Foundation  
 16                 is established; and

17                 “(II) shall serve for staggered  
 18                 terms.

19          “(iii) *QUALIFICATION.*—The members  
 20          of the Board shall be United States citizens  
 21          with knowledge or experience regarding  
 22          public safety and justice in Indian and  
 23          Alaska Native communities.

24          “(C) *COMPENSATION.*—A member of the  
 25          Board shall not receive compensation for service

as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

“(g) OFFICERS.—

“(1) IN GENERAL.—The officers of the Foundation shall be—

“(A) a Secretary, elected from among the members of the Board; and

“(B) any other officers provided for in the constitution and bylaws of the Foundation.

“(2) CHIEF OPERATING OFFICER.—

“(A) SECRETARY.—Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

“(B) APPOINTMENT.—The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

“(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

1       “(h) *POWERS.—The Foundation—*

2               “(1) *shall adopt a constitution and bylaws for*  
3 *the management of the property of the Foundation*  
4 *and the regulation of the affairs of the Foundation;*

5               “(2) *may adopt and alter a corporate seal;*

6               “(3) *may enter into contracts;*

7               “(4) *may acquire (through gift or otherwise),*  
8 *own, lease, encumber, and transfer real or personal*  
9 *property as necessary or convenient to carry out the*  
10 *purposes of the Foundation;*

11              “(5) *may sue and be sued; and*

12              “(6) *may perform any other act necessary and*  
13 *proper to carry out the purposes of the Foundation.*

14       “(i) *PRINCIPAL OFFICE.—*

15              “(1) *IN GENERAL.—The principal office of the*  
16 *Foundation shall be located in the District of Colum-*  
17 *bia.*

18              “(2) *ACTIVITIES; OFFICES.—The activities of the*  
19 *Foundation may be conducted, and offices may be*  
20 *maintained, throughout the United States in accord-*  
21 *ance with the constitution and bylaws of the Founda-*  
22 *tion.*

23       “(j) *SERVICE OF PROCESS.—The Foundation shall*  
24 *comply with the law on service of process of each State in*



1 *which the Foundation is incorporated and of each State in*  
 2 *which the Foundation carries on activities.*

3 “(k) *LIABILITY OF OFFICERS, EMPLOYEES, AND*  
 4 *AGENTS.—*

5 “(1) *IN GENERAL.—The Foundation shall be lia-*  
 6 *ble for the acts of the officers, employees, and agents*  
 7 *of the Foundation acting within the scope of the au-*  
 8 *thority of the officers, employees, and agents.*

9 “(2) *PERSONAL LIABILITY.—A member of the*  
 10 *Board shall be personally liable only for gross neg-*  
 11 *ligence in the performance of the duties of the mem-*  
 12 *ber.*

13 “(l) *RESTRICTIONS.—*

14 “(1) *LIMITATION ON SPENDING.—Beginning*  
 15 *with the fiscal year following the first full fiscal year*  
 16 *during which the Foundation is in operation, the ad-*  
 17 *ministrative costs of the Foundation shall not exceed*  
 18 *the percentage described in paragraph (2) of the sum*  
 19 *of—*

20 “(A) *the amounts transferred to the Foun-*  
 21 *dation under subsection (n) during the preceding*  
 22 *fiscal year; and*

23 “(B) *donations received from private*  
 24 *sources during the preceding fiscal year.*

1           “(2) *PERCENTAGES.*—*The percentages referred to*  
2       *in paragraph (1) are—*

3           “(A) *for the first 2 fiscal years described in*  
4       *that paragraph, 25 percent;*

5           “(B) *for the following fiscal year, 20 per-*  
6       *cent; and*

7           “(C) *for each fiscal year thereafter, 15 per-*  
8       *cent.*

9           “(3) *APPOINTMENT AND HIRING.*—*The appoint-*  
10       *ment of officers and employees of the Foundation*  
11       *shall be subject to the availability of funds.*

12           “(4) *STATUS.*—*A member of the Board or officer,*  
13       *employee, or agent of the Foundation shall not by*  
14       *reason of association with the Foundation be consid-*  
15       *ered to be an officer, employee, or agent of the United*  
16       *States.*

17           “(m) *AUDITS.*—*The Foundation shall comply with sec-*  
18       *tion 10101 of title 36, United States Code, as if the Founda-*  
19       *tion were a corporation under part B of subtitle II of that*  
20       *title.*

21           “(n) *FUNDING.*—*For each of fiscal years 2011 through*  
22       *2015, out of any unobligated amounts available to the Sec-*  
23       *retary, the Secretary may use to carry out this section not*  
24       *more than \$500,000.*

1 **“SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.**

2 “(a) *PROVISION OF SUPPORT BY SECRETARY.*—Sub-  
3 *ject to subsection (b), during the 5-year period beginning*  
4 *on the date on which the Foundation is established, the Sec-*  
5 *retary—*

6 “(1) *may provide personnel, facilities, and other*  
7 *administrative support services to the Foundation;*

8 “(2) *may provide funds for initial operating*  
9 *costs and to reimburse the travel expenses of the mem-*  
10 *bers of the Board; and*

11 “(3) *shall require and accept reimbursements*  
12 *from the Foundation for—*

13 “(A) *services provided under paragraph (1);*  
14 *and*

15 “(B) *funds provided under paragraph (2).*

16 “(b) *REIMBURSEMENT.*—*Reimbursements accepted*  
17 *under subsection (a)(3)—*

18 “(1) *shall be deposited in the Treasury of the*  
19 *United States to the credit of the applicable appro-*  
20 *priations account; and*

21 “(2) *shall be chargeable for the cost of providing*  
22 *services described in subsection (a)(1) and travel ex-*  
23 *penses described in subsection (a)(2).*

24 “(c) *CONTINUATION OF CERTAIN SERVICES.*—*The Sec-*  
25 *retary may continue to provide facilities and necessary sup-*  
26 *port services to the Foundation after the termination of the*

1 5-year period specified in subsection (a) if the facilities and  
 2 services are—

3 “(1) available; and

4 “(2) provided on reimbursable cost basis.”.

5 (d) *TECHNICAL AMENDMENTS.*—*The Indian Self-De-*  
 6 *termination and Education Assistance Act is amended—*

7 (1) *by redesignating title V (25 U.S.C. 458bbb et*  
 8 *seq.) as title VIII and moving the title so as to appear*  
 9 *at the end of the Act;*

10 (2) *by redesignating sections 501, 502, and 503*  
 11 *(25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections*  
 12 *801, 802, and 803, respectively; and*

13 (3) *in subsection (a)(2) of section 802 and para-*  
 14 *graph (2) of section 803 (as redesignated by para-*  
 15 *graph (2)), by striking “section 501” and inserting*  
 16 *“section 801”.*

17 (e) *ACCEPTANCE AND ASSISTANCE.*—*Section 5 of the*  
 18 *Indian Law Enforcement Reform Act (25 U.S.C. 2804) is*  
 19 *amended by adding at the end the following:*

20 “(g) *ACCEPTANCE OF ASSISTANCE.*—*The Bureau may*  
 21 *accept reimbursement, resources, assistance, or funding*  
 22 *from—*

23 “(1) *a Federal, tribal, State, or other government*  
 24 *agency; or*

1           “(2) the Indian Law Enforcement Foundation  
2           established under section 701(a) of the Indian Self-  
3           Determination and Education Assistance Act.”.

4   **SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.**

5           (a) *EDUCATION AND RESEARCH PROGRAMS.*—Section  
6   502 of the Controlled Substances Act (21 U.S.C. 872) is  
7   amended in subsections (a)(1) and (c), by inserting “trib-  
8   al,” after “State,” each place it appears.

9           (b) *PUBLIC-PRIVATE EDUCATION PROGRAM.*—Section  
10   503 of the Comprehensive Methamphetamine Control Act of  
11   1996 (21 U.S.C. 872a) is amended—

12           (1) in subsection (a), by inserting “tribal,” after  
13   “State,”; and

14           (2) in subsection (b)(2), by inserting “, tribal,”  
15   after “State”.

16           (c) *COOPERATIVE ARRANGEMENTS.*—Section 503 of  
17   the Controlled Substances Act (21 U.S.C. 873) is amend-  
18   ed—

19           (1) in subsection (a)—

20                   (A) by inserting “tribal,” after “State,”  
21                   each place it appears; and

22                   (B) in paragraphs (6) and (7), by inserting  
23                   “, tribal,” after “State” each place it appears;  
24                   and

1           (2) in subsection (d)(1), by inserting “, tribal,”  
2       after “State”.

3       (d) *POWERS OF ENFORCEMENT PERSONNEL*.—Section  
4   508(a) of the Controlled Substances Act (21 U.S.C. 878(a))  
5   is amended in the matter preceding paragraph (1) by in-  
6   serting “, tribal,” after “State”.

7       (e) *EFFECT OF GRANTS*.—Nothing in this section or  
8   any amendment made by this section—

9           (1) allows the grant to be made to, or used by,  
10   an entity for law enforcement activities that the enti-  
11   ty lacks jurisdiction to perform; or

12          (2) has any effect other than to authorize, award,  
13   or deny a grant of funds to a federally recognized In-  
14   dian tribe for the purposes described in the relevant  
15   grant program.

16   **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**  
17                           **DATABASES.**

18       (a) *ACCESS TO NATIONAL CRIMINAL INFORMATION*  
19   *DATABASES*.—Section 534 of title 28, United States Code,  
20   is amended—

21          (1) in subsection (a)(4), by inserting “Indian  
22   tribes,” after “the States,”;

23          (2) by striking subsection (d) and inserting the  
24   following:

1       “(d) *INDIAN LAW ENFORCEMENT AGENCIES.*—*The At-*  
 2 *torney General shall permit tribal and Bureau of Indian*  
 3 *Affairs law enforcement agencies—*

4               “(1) *to access and enter information into Federal*  
 5 *criminal information databases; and*

6               “(2) *to obtain information from the databases.”;*

7               “(3) *by redesignating the second subsection (e) as*  
 8 *subsection (f); and*

9               “(4) *in paragraph (2) of subsection (f) (as redes-*  
 10 *ignated by paragraph (3)), in the matter preceding*  
 11 *subparagraph (A), by inserting “, tribal,” after “Fed-*  
 12 *eral”.*

13       “(b) *REQUIREMENT.*—

14               “(1) *IN GENERAL.*—*The Attorney General shall*  
 15 *ensure that tribal law enforcement officials that meet*  
 16 *applicable Federal or State requirements be permitted*  
 17 *access to national crime information databases.*

18               “(2) *SANCTIONS.*—*For purpose of sanctions for*  
 19 *noncompliance with requirements of, or misuse of, na-*  
 20 *tional crime information databases and information*  
 21 *obtained from those databases, a tribal law enforce-*  
 22 *ment agency or official shall be treated as Federal law*  
 23 *enforcement agency or official.*

24               “(3) *NCIC.*—*Each tribal justice official serving*  
 25 *an Indian tribe with criminal jurisdiction over In-*

1        *dian country shall be considered to be an authorized*  
 2        *law enforcement official for purposes of access to the*  
 3        *National Crime Information Center of the Federal*  
 4        *Bureau of Investigation.*

5    **SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.**

6        *(a) INDIVIDUAL RIGHTS.—Section 202 of the Indian*  
 7        *Civil Rights Act of 1968 (25 U.S.C. 1302), is amended—*

8                *(1) in the matter preceding paragraph (1), by*  
 9        *striking “No Indian tribe” and inserting the fol-*  
 10        *lowing:*

11        *“(a) IN GENERAL.—No Indian tribe”;*

12                *(2) in subsection (a) (as designated by para-*  
 13        *graph (1))—*

14                *(A) in paragraph (6) by inserting “(except*  
 15        *as provided in subsection (b)) after “assistance of*  
 16        *counsel for his defense”; and*

17                *(B) by striking paragraph (7) and inserting*  
 18        *the following:*

19                *“(7)(A) require excessive bail, impose excessive*  
 20        *fines, or inflict cruel and unusual punishments;*

21                *“(B) except as provided in subparagraph (C),*  
 22        *impose for conviction of any 1 offense any penalty or*  
 23        *punishment greater than imprisonment for a term of*  
 24        *1 year or a fine of \$5,000, or both;*



1           “(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

5           “(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;”; and

8           (3) by adding at the end the following:

9           “(b) *OFFENSES SUBJECT TO GREATER THAN 1-YEAR IMPRISONMENT OR A FINE GREATER THAN \$5,000.*—A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine greater than \$5,000 but not to exceed \$15,000, or both, if the defendant is a person accused of a criminal offense who—

16           “(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

19           “(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

23           “(c) *RIGHTS OF DEFENDANTS.*—In a criminal proceeding in which an Indian tribe, in exercising powers of

1 *self-government, imposes a total term of imprisonment of*  
2 *more than 1 year on a defendant, the Indian tribe shall—*

3       “(1) *provide to the defendant the right to effective*  
4 *assistance of counsel at least equal to that guaranteed by the United States Constitution; and*

6       “(2) *at the expense of the tribal government, provide an indigent defendant the assistance of a defense*  
7 *attorney licensed to practice law by any jurisdiction in the United States that applies appropriate profes-*  
8 *sional licensing standards and effectively ensures the competence and professional responsibility of its li-*  
9 *censed attorneys;*

13       “(3) *require that the judge presiding over the criminal proceeding—*

15       “(A) *has sufficient legal training to preside over criminal proceedings; and*

17       “(B) *is licensed to practice law by any jurisdiction in the United States;*

19       “(4) *prior to charging the defendant, make publicly available the criminal laws (including regula-*  
20 *tions and interpretative documents), rules of evidence, and rules of criminal procedure (including rules gov-*  
21 *erning the recusal of judges in appropriate circumstances) of the tribal government; and*

1           “(5) maintain a record of the criminal pro-  
2       ceeding, including an audio or other recording of the  
3       trial proceeding.

4           “(d) *SENTENCES*.—In the case of a defendant sen-  
5       tenced in accordance with subsections (b) and (c), a tribal  
6       court may require the defendant—

7           “(1) to serve the sentence—

8           “(A) in a tribal correctional center that has  
9       been approved by the Bureau of Indian Affairs  
10      for long-term incarceration, in accordance with  
11      guidelines to be developed by the Bureau of In-  
12      dian Affairs (in consultation with Indian tribes)  
13      not later than 180 days after the date of enact-  
14      ment of the Tribal Law and Order Act of 2010;

15          “(B) in the nearest appropriate Federal fa-  
16      cility, at the expense of the United States pursu-  
17      ant to the Bureau of Prisons tribal prisoner  
18      pilot program described in section 304(c) of the  
19      Tribal Law and Order Act of 2010;

20          “(C) in a State or local government-ap-  
21      proved detention or correctional center pursuant  
22      to an agreement between the Indian tribe and  
23      the State or local government; or

24          “(D) in an alternative rehabilitation center  
25      of an Indian tribe; or

1           “(2) to serve another alternative form of punish-  
 2           ment, as determined by the tribal court judge pursu-  
 3           ant to tribal law.

4           “(e) *DEFINITION OF OFFENSE.*—In this section, the  
 5           term ‘offense’ means a violation of a criminal law.

6           “(f) *EFFECT OF SECTION.*—Nothing in this section af-  
 7           fects the obligation of the United States, or any State gov-  
 8           ernment that has been delegated authority by the United  
 9           States, to investigate and prosecute any criminal violation  
 10          in Indian country.”.

11          (b) *REPORT.*—Not later than 4 years after the date  
 12          of enactment of this Act, the Attorney General, in coordina-  
 13          tion with the Secretary of the Interior, shall submit a report  
 14          to the appropriate committees of Congress that includes—

15               (1) a description of the effectiveness of enhanced  
 16               tribal court sentencing authority in curtailing vio-  
 17               lence and improving the administration of justice on  
 18               Indian lands; and

19               (2) a recommendation of whether enhanced sen-  
 20               tencing authority should be discontinued, enhanced,  
 21               or maintained at the level authorized under this divi-  
 22               sion.

23          (c) *BUREAU OF PRISONS TRIBAL PRISONER PILOT*  
 24          *PROGRAM.*—

1           (1) *IN GENERAL*.—Not later than 120 days after  
 2           the date of enactment of this division, the Director of  
 3           the Bureau of Prisons shall establish a pilot program  
 4           under which the Bureau of Prisons shall accept of-  
 5           fenders convicted in tribal court pursuant to section  
 6           202 of the Indian Civil Rights Act of 1968 (25 U.S.C.  
 7           1302) (as amended by this section), subject to the con-  
 8           ditions described in paragraph (2).

9           (2) *CONDITIONS*.—

10           (A) *IN GENERAL*.—As a condition of par-  
 11           ticipation in the pilot program described in  
 12           paragraph (1), the tribal court shall submit to  
 13           the Attorney General a request for confinement of  
 14           the offender, for approval by the Attorney Gen-  
 15           eral (or a designee) by not later than 30 days  
 16           after the date of submission.

17           (B) *LIMITATIONS*.—Requests for confine-  
 18           ment shall be limited to offenders convicted of a  
 19           violent crime (comparable to the violent crimes  
 20           described in section 1153(a) of title 18, United  
 21           States Code) for which the sentence includes a  
 22           term of imprisonment of 2 or more years.

23           (C) *CUSTODY CONDITIONS*.—The imprison-  
 24           ment by the Bureau of Prisons shall be subject  
 25           to the conditions described in section 5003 of

1        *title 18, United States Code, regarding the cus-*  
2        *tody of State offenders, except that the offender*  
3        *shall be placed in the nearest available and ap-*  
4        *propriate Federal facility, and imprisoned at the*  
5        *expense of the United States.*

6                *(D) CAP.—The Bureau of Prisons shall con-*  
7        *fine not more than 100 tribal offenders at any*  
8        *time.*

9        *(3) RESCINDING REQUESTS.—*

10              *(A) IN GENERAL.—The applicable tribal*  
11        *government shall retain the authority to rescind*  
12        *the request for confinement of a tribal offender*  
13        *by the Bureau of Prisons under this paragraph*  
14        *at any time during the sentence of the offender.*

15              *(B) RETURN TO TRIBAL CUSTODY.—On re-*  
16        *scission of a request under subparagraph (A), a*  
17        *tribal offender shall be returned to tribal custody.*

18              *(4) REASSESSMENT.—If tribal court demand for*  
19        *participation in this pilot program exceeds 100 tribal*  
20        *offenders, a representative of the Bureau of Prisons*  
21        *shall notify Congress.*

22              *(5) REPORT.—Not later than 3 years after the*  
23        *date of establishment of the pilot program, the Attor-*  
24        *ney General shall submit to Congress a report describ-*

1        *ing the status of the program, including recommenda-*  
 2        *tions regarding the future of the program, if any.*

3            (6) *TERMINATION.*—*Except as otherwise pro-*  
 4        *vided by an Act of Congress, the pilot program under*  
 5        *this paragraph shall expire on the date that is 4*  
 6        *years after the date on which the program is estab-*  
 7        *lished.*

8            (d) *GRANTS AND CONTRACTS.*—*Section 1007(b) of the*  
 9        *Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b))*  
 10       *is amended by striking paragraph (2) and inserting the fol-*  
 11       *lowing:*

12            “(2) *to provide legal assistance with respect to*  
 13        *any criminal proceeding, except to provide assistance*  
 14        *to a person charged with an offense in an Indian*  
 15        *tribal court;”.*

16        **SEC. 305. INDIAN LAW AND ORDER COMMISSION.**

17        *The Indian Law Enforcement Reform Act (25 U.S.C.*  
 18        *2801 et seq.) (as amended by section 104(b)) is amended*  
 19        *by adding at the end the following:*

20        **“SEC. 15. INDIAN LAW AND ORDER COMMISSION.**

21            “(a) *ESTABLISHMENT.*—*There is established a com-*  
 22        *mission to be known as the Indian Law and Order Commis-*  
 23        *sion (referred to in this section as the ‘Commission’).*

24            “(b) *MEMBERSHIP.*—

1           “(1) *IN GENERAL.*—*The Commission shall be*  
2       *composed of 9 members, of whom—*

3           “(A) *3 shall be appointed by the President,*  
4       *in consultation with—*

5           “(i) *the Attorney General; and*

6           “(ii) *the Secretary;*

7           “(B) *2 shall be appointed by the Majority*  
8       *Leader of the Senate, in consultation with the*  
9       *Chairpersons of the Committees on Indian Af-*  
10      *fairs and the Judiciary of the Senate;*

11          “(C) *1 shall be appointed by the Minority*  
12      *Leader of the Senate, in consultation with the*  
13      *Vice Chairperson and Ranking Member of the*  
14      *Committees on Indian Affairs and the Judiciary*  
15      *of the Senate;*

16          “(D) *2 shall be appointed by the Speaker of*  
17      *the House of Representatives, in consultation*  
18      *with the Chairpersons of the Committees on the*  
19      *Judiciary and Natural Resources of the House of*  
20      *Representatives; and*

21          “(E) *1 shall be appointed by the Minority*  
22      *Leader of the House of Representatives, in con-*  
23      *sultation with the Ranking Members of the Com-*  
24      *mittees on the Judiciary and Natural Resources*  
25      *of the House of Representatives.*



1           “(2) *REQUIREMENTS FOR ELIGIBILITY.*—Each  
 2           *member of the Commission shall have significant ex-*  
 3           *perience and expertise in—*

4                     “(A) *the Indian country criminal justice*  
 5                     *system; and*

6                     “(B) *matters to be studied by the Commis-*  
 7                     *sion.*

8           “(3) *CONSULTATION REQUIRED.*—*The President,*  
 9           *the Speaker and Minority Leader of the House of*  
 10           *Representatives, and the Majority Leader and Minor-*  
 11           *ity Leader of the Senate shall consult before the ap-*  
 12           *pointment of members of the Commission under para-*  
 13           *graph (1) to achieve, to the maximum extent prac-*  
 14           *ticable, fair and equitable representation of various*  
 15           *points of view with respect to the matters to be stud-*  
 16           *ied by the Commission.*

17           “(4) *TERM.*—*Each member shall be appointed*  
 18           *for the life of the Commission.*

19           “(5) *TIME FOR INITIAL APPOINTMENTS.*—*The*  
 20           *appointment of the members of the Commission shall*  
 21           *be made not later than 60 days after the date of en-*  
 22           *actment of this Act.*

23           “(6) *VACANCIES.*—*A vacancy in the Commission*  
 24           *shall be filled—*

1           “(A) *in the same manner in which the*  
 2           *original appointment was made; and*

3           “(B) *not later than 60 days after the date*  
 4           *on which the vacancy occurred.*

5           “(c) *OPERATION.—*

6           “(1) *CHAIRPERSON.—Not later than 15 days*  
 7           *after the date on which all members of the Commis-*  
 8           *sion have been appointed, the Commission shall select*  
 9           *1 member to serve as Chairperson of the Commission.*

10          “(2) *MEETINGS.—*

11          “(A) *IN GENERAL.—The Commission shall*  
 12          *meet at the call of the Chairperson.*

13          “(B) *INITIAL MEETING.—The initial meet-*  
 14          *ing shall take place not later than 30 days after*  
 15          *the date described in paragraph (1).*

16          “(3) *QUORUM.—A majority of the members of*  
 17          *the Commission shall constitute a quorum, but a less-*  
 18          *er number of members may hold hearings.*

19          “(4) *RULES.—The Commission may establish,*  
 20          *by majority vote, any rules for the conduct of Com-*  
 21          *mission business, in accordance with this Act and*  
 22          *other applicable law.*

23          “(d) *COMPREHENSIVE STUDY OF CRIMINAL JUSTICE*  
 24          *SYSTEM RELATING TO INDIAN COUNTRY.—The Commission*

1 *shall conduct a comprehensive study of law enforcement and*  
 2 *criminal justice in tribal communities, including—*

3       “(1) *jurisdiction over crimes committed in In-*  
 4 *dian country and the impact of that jurisdiction*  
 5 *on—*

6               “(A) *the investigation and prosecution of*  
 7 *Indian country crimes; and*

8               “(B) *residents of Indian land;*

9       “(2) *the tribal jail and Federal prisons systems*  
 10 *and the effect of those systems with respect to—*

11              “(A) *reducing Indian country crime; and*

12              “(B) *rehabilitation of offenders;*

13       “(3)(A) *tribal juvenile justice systems and the*  
 14 *Federal juvenile justice system as relating to Indian*  
 15 *country; and*

16              “(B) *the effect of those systems and related pro-*  
 17 *grams in preventing juvenile crime, rehabilitating In-*  
 18 *dian youth in custody, and reducing recidivism*  
 19 *among Indian youth;*

20       “(4) *the impact of the Indian Civil Rights Act*  
 21 *of 1968 (25 U.S.C. 1301 et seq.) on—*

22              “(A) *the authority of Indian tribes;*

23              “(B) *the rights of defendants subject to trib-*  
 24 *al government authority; and*

1           “(C) the fairness and effectiveness of tribal  
2           criminal systems; and

3           “(5) studies of such other subjects as the Com-  
4           mission determines relevant to achieve the purposes of  
5           the Tribal Law and Order Act of 2010.

6           “(e) RECOMMENDATIONS.—Taking into consideration  
7           the results of the study under paragraph (1), the Commis-  
8           sion shall develop recommendations on necessary modifica-  
9           tions and improvements to justice systems at the tribal,  
10          Federal, and State levels, including consideration of—

11           “(1) simplifying jurisdiction in Indian country;

12           “(2) improving services and programs—

13           “(A) to prevent juvenile crime on Indian  
14           land;

15           “(B) to rehabilitate Indian youth in cus-  
16           tody; and

17           “(C) to reduce recidivism among Indian  
18           youth;

19           “(3) adjustments to the penal authority of tribal  
20           courts and exploring alternatives to incarceration;

21           “(4) the enhanced use of chapter 43 of title 28,  
22           United States Code (commonly known as ‘the Federal  
23           Magistrates Act’) in Indian country;

24           “(5) effective means of protecting the rights of  
25           victims and defendants in tribal criminal justice sys-

1        *tems (including defendants incarcerated for a period*  
2        *of less than 1 year);*

3            *“(6) changes to the tribal jails and Federal pris-*  
4        *on systems; and*

5            *“(7) other issues that, as determined by the Com-*  
6        *mission, would reduce violent crime in Indian coun-*  
7        *try.*

8        *“(f) REPORT.—Not later than 2 years after the date*  
9        *of enactment of this Act, the Commission shall submit to*  
10       *the President and Congress a report that contains—*

11           *“(1) a detailed statement of the findings and*  
12        *conclusions of the Commission; and*

13           *“(2) the recommendations of the Commission for*  
14        *such legislative and administrative actions as the*  
15        *Commission considers to be appropriate.*

16        *“(g) POWERS.—*

17           *“(1) HEARINGS.—*

18           *“(A) IN GENERAL.—The Commission may*  
19        *hold such hearings, meet and act at such times*  
20        *and places, take such testimony, and receive such*  
21        *evidence as the Commission considers to be ad-*  
22        *visable to carry out the duties of the Commission*  
23        *under this section.*

1           “(B) *PUBLIC REQUIREMENT.*—*The hearings*  
 2           *of the Commission under this paragraph shall be*  
 3           *open to the public.*

4           “(2) *WITNESS EXPENSES.*—

5           “(A) *IN GENERAL.*—*A witness requested to*  
 6           *appear before the Commission shall be paid the*  
 7           *same fees and allowances as are paid to wit-*  
 8           *nesses under section 1821 of title 28, United*  
 9           *States Code.*

10          “(B) *PER DIEM AND MILEAGE.*—*The fees*  
 11          *and allowances for a witness shall be paid from*  
 12          *funds made available to the Commission.*

13          “(3) *INFORMATION FROM FEDERAL, TRIBAL, AND*  
 14          *STATE AGENCIES.*—

15          “(A) *IN GENERAL.*—*The Commission may*  
 16          *secure directly from a Federal agency such infor-*  
 17          *mation as the Commission considers to be nec-*  
 18          *essary to carry out this section.*

19          “(B) *TRIBAL AND STATE AGENCIES.*—*The*  
 20          *Commission may request the head of any tribal*  
 21          *or State agency to provide to the Commission*  
 22          *such information as the Commission considers to*  
 23          *be necessary to carry out this section.*

24          “(4) *POSTAL SERVICES.*—*The Commission may*  
 25          *use the United States mails in the same manner and*

1     *under the same conditions as other agencies of the*  
 2     *Federal Government.*

3             “(5) *GIFTS.*—*The Commission may accept, use,*  
 4     *and dispose of gifts or donations of services or prop-*  
 5     *erty.*

6             “(h) *COMMISSION PERSONNEL MATTERS.*—

7                 “(1) *TRAVEL EXPENSES.*—*A member of the Com-*  
 8     *mission shall be allowed travel expenses, including*  
 9     *per diem in lieu of subsistence, at rates authorized for*  
 10    *an employee of an agency under subchapter I of chap-*  
 11    *ter 57 of title 5, United States Code, while away from*  
 12    *the home or regular place of business of the member*  
 13    *in the performance of the duties of the Commission.*

14               “(2) *DETAIL OF FEDERAL EMPLOYEES.*—*On the*  
 15    *affirmative vote of  $\frac{2}{3}$  of the members of the Commis-*  
 16    *sion and the approval of the appropriate Federal*  
 17    *agency head, an employee of the Federal Government*  
 18    *may be detailed to the Commission without reim-*  
 19    *bursement, and such detail shall be without interrup-*  
 20    *tion or loss of civil service status, benefits, or privi-*  
 21    *leges.*

22               “(3) *PROCUREMENT OF TEMPORARY AND INTER-*  
 23    *MITTENT SERVICES.*—*On request of the Commission,*  
 24    *the Attorney General shall provide to the Commission,*

1     *on a reimbursable basis, reasonable and appropriate*  
 2     *office space, supplies, and administrative assistance.*

3     “(i) *CONTRACTS FOR RESEARCH.*—

4         “(1) *RESEARCHERS AND EXPERTS.*—

5             “(A) *IN GENERAL.*—*On an affirmative vote*  
 6             *of 2/3 of the members of the Commission, the*  
 7             *Commission may select nongovernmental re-*  
 8             *searchers and experts to assist the Commission*  
 9             *in carrying out the duties of the Commission*  
 10            *under this section.*

11           “(B) *NATIONAL INSTITUTE OF JUSTICE.*—  
 12           *The National Institute of Justice may enter into*  
 13           *a contract with the researchers and experts se-*  
 14           *lected by the Commission under subparagraph*  
 15           *(A) to provide funding in exchange for the serv-*  
 16           *ices of the researchers and experts.*

17         “(2) *OTHER ORGANIZATIONS.*—*Nothing in this*  
 18         *subsection limits the ability of the Commission to*  
 19         *enter into contracts with any other entity or organi-*  
 20         *zation to carry out research necessary to carry out the*  
 21         *duties of the Commission under this section.*

22         “(j) *TRIBAL ADVISORY COMMITTEE.*—

23             “(1) *ESTABLISHMENT.*—*The Commission shall*  
 24             *establish a committee, to be known as the ‘Tribal Ad-*  
 25             *visory Committee’.*



1 “(2) *MEMBERSHIP.*—

2 “(A) *COMPOSITION.*—*The Tribal Advisory*  
 3 *Committee shall consist of 2 representatives of*  
 4 *Indian tribes from each region of the Bureau of*  
 5 *Indian Affairs.*

6 “(B) *QUALIFICATIONS.*—*Each member of*  
 7 *the Tribal Advisory Committee shall have experi-*  
 8 *ence relating to—*

9 “(i) *justice systems;*

10 “(ii) *crime prevention; or*

11 “(iii) *victim services.*

12 “(3) *DUTIES.*—*The Tribal Advisory Committee*  
 13 *shall—*

14 “(A) *serve as an advisory body to the Com-*  
 15 *mission; and*

16 “(B) *provide to the Commission advice and*  
 17 *recommendations, submit materials, documents,*  
 18 *testimony, and such other information as the*  
 19 *Commission determines to be necessary to carry*  
 20 *out the duties of the Commission under this sec-*  
 21 *tion.*

22 “(k) *FUNDING.*—*For the fiscal year after the date of*  
 23 *enactment of the Tribal Law and Order Act of 2010, out*  
 24 *of any unobligated amounts available to the Secretary of*  
 25 *the Interior or the Attorney General, the Secretary or the*

1 *Attorney General may use to carry out this section not more*  
 2 *than \$2,000,000.*

3 “(l) *TERMINATION OF COMMISSION.—The Commission*  
 4 *shall terminate 90 days after the date on which the Com-*  
 5 *mission submits the report of the Commission under sub-*  
 6 *section (f).*

7 “(m) *NONAPPLICABILITY OF FACA.—The Federal Ad-*  
 8 *visory Committee Act (5 U.S.C. App.) shall not apply to*  
 9 *the Commission.*”.

10 **SEC. 306. EXEMPTION FOR TRIBAL DISPLAY MATERIALS.**

11 (a) *IN GENERAL.—Section 845(a) of title 18, United*  
 12 *States Code is amended—*

13 (1) *in paragraph (5), by striking “and” at the*  
 14 *end;*

15 (2) *in paragraph (6), by striking the period at*  
 16 *the end and inserting “and”; and*

17 (3) *by adding at the end the following:*

18 “(7) *the transportation, shipment, receipt, or im-*  
 19 *portation of display fireworks materials for delivery*  
 20 *to a federally recognized Indian tribe or tribal agen-*  
 21 *cy.*”.

22 (b) *DEFINITION OF INDIAN TRIBE.—Section 841 of*  
 23 *title 18, United States Code is amended by adding at the*  
 24 *end the following:*

1       “(t) *INDIAN TRIBE*.—The term ‘Indian tribe’ has the  
2       meaning given the term in section 102 of the Federally Rec-  
3       ognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).”.

4       (c) *TECHNICAL AMENDMENTS*.—Section 845 of title  
5       18, United States Code is amended—

6               (1) in subsection (a), by striking “subsections”  
7       in the first place it appears and inserting “sub-  
8       section”; and

9               (2) in subsection (b), by striking “Secretary”  
10       each place it appears and inserting “Attorney Gen-  
11       eral”.

## 12       ***TITLE IV—TRIBAL JUSTICE*** 13       ***SYSTEMS***

### 14       ***SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.***

15       (a) *CORRECTION OF REFERENCES*.—

16               (1) *INTER-DEPARTMENTAL MEMORANDUM OF*  
17       *AGREEMENT*.—Section 4205 of the Indian Alcohol  
18       and Substance Abuse Prevention and Treatment Act  
19       of 1986 (25 U.S.C. 2411) is amended—

20               (A) in subsection (a)—

21                       (i) in the matter preceding paragraph

22                       (1)—

23                               (I) by striking “Not later than  
24                               120 days after the date of enactment of  
25                               this subtitle” and inserting “Not later

1           *than 1 year after the date of enactment*  
2           *of the Tribal Law and Order Act of*  
3           *2010”; and*

4                     *(II) by inserting “, the Attorney*  
5                     *General,” after “Secretary of the Inte-*  
6                     *rior”;*

7                     *(ii) in paragraph (2)(A), by inserting*  
8                     *“, Office of Justice Programs, Substance*  
9                     *Abuse and Mental Health Services Adminis-*  
10                    *tration,” after “Bureau of Indian Affairs,”;*

11                    *(iii) in paragraph (4), by inserting “,*  
12                    *Department of Justice, Substance Abuse*  
13                    *and Mental Health Services Administra-*  
14                    *tion,” after “Bureau of Indian Affairs”;*

15                    *(iv) in paragraph (5), by inserting “,*  
16                    *Department of Justice, Substance Abuse*  
17                    *and Mental Health Services Administra-*  
18                    *tion,” after “Bureau of Indian Affairs”;*

19                    *(v) in paragraph (7), by inserting “,*  
20                    *the Attorney General,” after “Secretary of*  
21                    *the Interior”;*

22                    *(B) in subsection (c), by inserting “, the At-*  
23                    *torney General,” after “Secretary of the Inte-*  
24                    *rior”; and*

1           (C) in subsection (d), by striking “the date  
2           of enactment of this subtitle” and inserting “the  
3           date of enactment of the Tribal Law and Order  
4           Act of 2010”.

5           (2) TRIBAL ACTION PLANS.—Section 4206 of the  
6           Indian Alcohol and Substance Abuse Prevention and  
7           Treatment Act of 1986 (25 U.S.C. 2412) is amend-  
8           ed—

9           (A) in subsection (b), in the first sentence,  
10          by inserting “, the Office of Justice Programs,  
11          the Substance Abuse and Mental Health Services  
12          Administration,” before “and the Indian Health  
13          Service service unit”;

14          (B) in subsection (c)(1)(A)(i), by inserting  
15          “, the Office of Justice Programs, the Substance  
16          Abuse and Mental Health Services Administra-  
17          tion,” before “and the Indian Health Service  
18          service unit”;

19          (C) in subsection (d)(2), by striking “fiscal  
20          year 1993 and such sums as are necessary for  
21          each of the fiscal years 1994, 1995, 1996, 1997,  
22          1998, 1999, and 2000” and inserting “the period  
23          of fiscal years 2011 through 2015”;

(D) in subsection (e), in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”; and

(E) in subsection (f)(3), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “fiscal years 2011 through 2015”.

(3) *DEPARTMENTAL RESPONSIBILITY.*—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting “, the Attorney General” after “Bureau of Indian Affairs”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) *ESTABLISHMENT.*—

“(A) *IN GENERAL.*—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the ‘Office of Indian Alcohol and Sub-

stance Abuse’ (referred to in this section as the ‘Office’).

“(B) *DIRECTOR.*—The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

“(i) on a permanent basis; and

“(ii) at a grade of not less than GS-15 of the General Schedule.”;

(ii) in paragraph (2)—

(I) by striking “(2) In addition” and inserting the following:

“(2) *RESPONSIBILITIES OF OFFICE.*—In addition”;

(II) by striking subparagraph (A) and inserting the following:

“(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;”;

(III) in subparagraph (B)—

(aa) by striking “within the Bureau of Indian Affairs”; and

1                   (bb) by striking the period at  
2                   the end and inserting “; and”;  
3                   and

4                   (IV) by adding at the end the fol-  
5                   lowing:

6                   “(C) not later than 1 year after the date of  
7                   enactment of the Tribal Law and Order Act of  
8                   2010, developing, in coordination and consulta-  
9                   tion with tribal governments, a framework for  
10                  interagency and tribal coordination that—

11                  “(i) establish the goals and other de-  
12                  sired outcomes of this Act;

13                  “(ii) prioritizes outcomes that are  
14                  aligned with the purposes of affected agen-  
15                  cies;

16                  “(iii) provides guidelines for resource  
17                  and information sharing;

18                  “(iv) provides technical assistance to  
19                  the affected agencies to establish effective  
20                  and permanent interagency communication  
21                  and coordination; and

22                  “(v) determines whether collaboration  
23                  is feasible, cost-effective, and within agency  
24                  capability.”; and



1                   (iii) by striking paragraph (3) and in-  
 2                   serting the following:

3                   “(3) *APPOINTMENT OF EMPLOYEES.*—*The Ad-*  
 4                   *ministrator of the Substance Abuse and Mental*  
 5                   *Health Services Administration shall appoint such*  
 6                   *employees to work in the Office, and shall provide*  
 7                   *such funding, services, and equipment, as may be nec-*  
 8                   *essary to enable the Office to carry out the respon-*  
 9                   *sibilities under this subsection.*”; and

10                  (C) in subsection (c)—

11                   (i) by striking “of Alcohol and Sub-  
 12                   stance Abuse” each place it appears;

13                   (ii) in paragraph (1), in the second  
 14                   sentence, by striking “The Assistant Sec-  
 15                   retary of the Interior for Indian Affairs”  
 16                   and inserting “The Administrator of the  
 17                   Substance Abuse and Mental Health Serv-  
 18                   ices Administration”; and

19                   (iii) in paragraph (3)—

20                   (I) in the matter preceding sub-  
 21                   paragraph (A), by striking “Youth”  
 22                   and inserting “youth”; and

23                   (II) by striking “programs of the  
 24                   Bureau of Indian Affairs” and insert-  
 25                   ing “the applicable Federal programs”.

(4) *REVIEW OF PROGRAMS*.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(5) *FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT*.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(B) in subsection (b)—

(i) in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(ii) in the second sentence, by inserting “, nor the Attorney General,” after “the Secretary of the Interior”; and

(iii) in the third sentence, by inserting “, the Department of Justice,” after “the Department of the Interior”; and

1                   (C) in subsection (c)(1), by inserting “, the  
2                   Attorney General,” after “the Secretary of the  
3                   Interior”.

4                   (6) *REVIEW*.—Section 4211(a) of the Indian Al-  
5                   cohol and Substance Abuse Prevention and Treatment  
6                   Act of 1986 (25 U.S.C. 2431(a)) is amended in the  
7                   matter preceding paragraph (1) by inserting “, the  
8                   Attorney General,” after “the Secretary of the Inte-  
9                   rior”.

10                  (b) *INDIAN EDUCATION PROGRAMS*.—Section 4212 of  
11                  the Indian Alcohol and Substance Abuse Prevention Act of  
12                  1986 (25 U.S.C. 2432) is amended by striking subsection  
13                  (a) and inserting the following:

14                  “(a) *SUMMER YOUTH PROGRAMS*.—

15                         “(1) *IN GENERAL*.—The head of the Indian Alco-  
16                         hol and Substance Abuse Program, in coordination  
17                         with the Assistant Secretary for Indian Affairs, shall  
18                         develop and implement programs in tribal schools  
19                         and schools funded by the Bureau of Indian Edu-  
20                         cation (subject to the approval of the local school  
21                         board or contract school board) to determine the effec-  
22                         tiveness of summer youth programs in advancing the  
23                         purposes and goals of this Act.

24                         “(2) *COSTS*.—The head of the Indian Alcohol  
25                         and Substance Abuse Program and the Assistant Sec-

1       retary shall defray all costs associated with the actual  
 2       operation and support of the summer youth programs  
 3       in a school from funds appropriated to carry out this  
 4       subsection.

5               “(3) *AUTHORIZATION OF APPROPRIATIONS.*—  
 6       There are authorized to be appropriated to carry out  
 7       the programs under this subsection \$5,000,000 for  
 8       each of fiscal years 2011 through 2015.”.

9       (c) *EMERGENCY SHELTERS.*—Section 4213(e) of the  
 10   Indian Alcohol and Substance Abuse Prevention and Treat-  
 11   ment Act of 1986 (25 U.S.C. 2433(e)) is amended—

12           (1) in paragraph (1), by striking “fiscal year  
 13       1993 and such sums as may be necessary for each of  
 14       the fiscal years 1994, 1995, 1996, 1997, 1998, 1999,  
 15       and 2000.” and inserting “each of fiscal years 2011  
 16       through 2015.”;

17           (2) in paragraph (2), by striking “each of the  
 18       fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and  
 19       2000.” and inserting “each of fiscal years 2011  
 20       through 2015.”; and

21           (3) by indenting paragraphs (4) and (5) appro-  
 22       priately.

23       (d) *REVIEW OF PROGRAMS.*—Section 4215(a) of the  
 24   Indian Alcohol and Substance Abuse Prevention and Treat-  
 25   ment Act of 1986 (25 U.S.C. 2441(a)) is amended by insert-

1 ing “, the Attorney General,” after “the Secretary of the  
2 Interior”.

3 (e) *ILLEGAL NARCOTICS TRAFFICKING; SOURCE*  
4 *ERADICATION*.—Section 4216 of the Indian Alcohol and  
5 Substance Abuse Prevention and Treatment Act of 1986 (25  
6 U.S.C. 2442) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A), by striking  
10 the comma at the end and inserting a semi-  
11 colon;

12 (ii) in subparagraph (B), by striking  
13 “, and” at the end and inserting a semi-  
14 colon;

15 (iii) in subparagraph (C), by striking  
16 the period at the end and inserting “; and”;  
17 and

18 (iv) by adding at the end the following:

19 “(D) the Blackfeet Nation of Montana for  
20 the investigation and control of illegal narcotics  
21 traffic on the Blackfeet Indian Reservation along  
22 the border with Canada.”;

23 (B) in paragraph (2), by striking “United  
24 States Custom Service” and inserting “United  
25 States Customs and Border Protection, the Bu-

reau of Immigration and Customs Enforcement,  
and the Drug Enforcement Administration”; and

(C) by striking paragraph (3) and inserting  
the following:

“(3) *AUTHORIZATION OF APPROPRIATIONS.—*

*There is authorized to be appropriated to carry out  
this subsection \$2,000,000 for each of fiscal years  
2011 through 2015.”; and*

*(2) in subsection (b)(2), by striking “for the fis-  
cal year 1993 and such sums as may be necessary for  
each of the fiscal years 1994, 1995, 1996, 1997, 1998,  
1999, and 2000” and “for each of fiscal years 2011  
through 2015.”.*

*(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—*

*Section 4218 of the Indian Alcohol and Substance Abuse  
Prevention and Treatment Act of 1986 (25 U.S.C. 2451)  
is amended—*

*(1) by striking subsection (a) and inserting the  
following:*

*“(a) TRAINING PROGRAMS.—*

*“(1) IN GENERAL.—The Secretary of the Inte-  
rior, in coordination with the Attorney General, the  
Administrator of the Drug Enforcement Administra-  
tion, and the Director of the Federal Bureau of Inves-  
tigation, shall ensure, through the establishment of a*

1     *new training program or by supplementing existing*  
 2     *training programs, that all Bureau of Indian Affairs*  
 3     *and tribal law enforcement and judicial personnel*  
 4     *have access to training regarding—*

5             *“(A) the investigation and prosecution of of-*  
 6             *fenses relating to illegal narcotics; and*

7             *“(B) alcohol and substance abuse prevention*  
 8             *and treatment.*

9             *“(2) YOUTH-RELATED TRAINING.—Any training*  
 10     *provided to Bureau of Indian Affairs or tribal law*  
 11     *enforcement or judicial personnel under paragraph*  
 12     *(1) shall include training in issues relating to youth*  
 13     *alcohol and substance abuse prevention and treat-*  
 14     *ment.”; and*

15             *(2) in subsection (b), by striking “as may be nec-*  
 16             *essary” and all that follows through the end of the*  
 17             *subsection and inserting “as are necessary for each of*  
 18             *fiscal years 2011 through 2015.”.*

19             *(g) JUVENILE DETENTION CENTERS.—Section 4220 of*  
 20     *the Indian Alcohol and Substance Abuse Prevention and*  
 21     *Treatment Act of 1986 (25 U.S.C. 2453) is amended—*

22             *(1) in subsection (a)—*

23             *(A) by striking “The Secretary” the first*  
 24             *place it appears and inserting the following:*

25             *“(1) IN GENERAL.—The Secretary”;*

(B) in the second sentence, by striking “The Secretary shall” and inserting the following:

“(2) CONSTRUCTION AND OPERATION.—The Secretary shall”; and

(C) by adding at the end the following:

“(3) DEVELOPMENT OF PLAN.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

“(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.”; and

(2) in paragraphs (1) and (2) of subsection (b)—

(A) by striking “for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting



1           *“for each of fiscal years 2011 through 2015”;*

2           *and*

3                     *(B) by indenting paragraph (2) appro-*

4                     *priately.*

5   **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**  
 6                     **ASSISTANCE.**

7           *(a) INDIAN TRIBAL JUSTICE.—*

8                     *(1) BASE SUPPORT FUNDING.—Section 103(b) of*  
 9                     *the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is*  
 10                    *amended by striking paragraph (2) and inserting the*  
 11                    *following:*

12                    *“(2) the employment of tribal court personnel,*  
 13                    *including tribal court judges, prosecutors, public de-*  
 14                    *fenders, appointed defense counsel, guardians ad*  
 15                    *litem, and court-appointed special advocates for chil-*  
 16                    *dren and juveniles;”.*

17                    *(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of*  
 18                    *the Indian Tribal Justice Act (25 U.S.C. 3621) is*  
 19                    *amended—*

20                    *(A) in subsection (a)—*

21                             *(i) by striking “the provisions of sec-*  
 22                             *tions 101 and 102 of this Act” and insert-*  
 23                             *ing “sections 101 and 102”; and*

1                   (ii) by striking “the fiscal years 2000  
2                   through 2007” and inserting “fiscal years  
3                   2011 through 2015”;

4                   (B) in subsection (b)—

5                   (i) by striking “the provisions of sec-  
6                   tion 103 of this Act” and inserting “section  
7                   103”; and

8                   (ii) by striking “the fiscal years 2000  
9                   through 2007” and inserting “fiscal years  
10                  2011 through 2015”;

11                  (C) in subsection (c), by striking “the fiscal  
12                  years 2000 through 2007” and inserting “fiscal  
13                  years 2011 through 2015”; and

14                  (D) in subsection (d), by striking “the fiscal  
15                  years 2000 through 2007” and inserting “fiscal  
16                  years 2011 through 2015”.

17                  (b) *TECHNICAL AND LEGAL ASSISTANCE.*—

18                   (1) *TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.*—  
19                   Section 102 of the Indian Tribal Justice Technical  
20                   and Legal Assistance Act of 2000 (25 U.S.C. 3662) is  
21                   amended by inserting “(including guardians ad litem  
22                   and court-appointed special advocates for children  
23                   and juveniles)” after “civil legal assistance”.

24                   (2) *TRIBAL CRIMINAL LEGAL ASSISTANCE*  
25                   *GRANTS.*—Section 103 of the Indian Tribal Justice

1     *Technical and Legal Assistance Act of 2000 (25*  
 2     *U.S.C. 3663) is amended by striking “criminal legal*  
 3     *assistance to members of Indian tribes and tribal jus-*  
 4     *tice systems” and inserting “defense counsel services*  
 5     *to all defendants in tribal court criminal proceedings*  
 6     *and prosecution and judicial services for tribal*  
 7     *courts”.*

8             (3) *FUNDING.—The Indian Tribal Justice Tech-*  
 9     *nical and Legal Assistance Act of 2000 is amended—*

10             (A) *in section 107 (as redesignated by sec-*  
 11             *tion 104(a)(2)(A)), by striking “2000 through*  
 12             *2004” and inserting “2011 through 2015”; and*

13             (B) *in section 201(d) (25 U.S.C. 3681(d)),*  
 14             *by striking “2000 through 2004” and inserting*  
 15             *“2011 through 2015”.*

16     **SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.**

17             *Section 1701 of the Omnibus Crime Control and Safe*  
 18     *Streets Act of 1968 (42 U.S.C. 3796dd) is amended—*

19             (1) *in subsection (b)—*

20             (A) *in each of paragraphs (1) through (4)*  
 21             *and (6) through (17), by inserting “to” after the*  
 22             *paragraph designation;*

23             (B) *in paragraph (1), by striking “State*  
 24             *and” and inserting “State, tribal, or”;*

1           (C) in paragraphs (9) and (10), by insert-  
2           ing “, tribal,” after “State” each place it ap-  
3           pears;

4           (D) in paragraph (15)—

5                 (i) by striking “a State in” and insert-  
6                 ing “a State or Indian tribe in”;

7                 (ii) by striking “the State which” and  
8                 inserting “the State or tribal community  
9                 that”; and

10                (iii) by striking “a State or” and in-  
11                serting “a State, tribal, or”;

12           (E) in paragraph (16), by striking “and”  
13           at the end

14           (F) in paragraph (17), by striking the pe-  
15           riod at the end and inserting “; and”;

16           (G) by redesignating paragraphs (6)  
17           through (17) as paragraphs (5) through (16), re-  
18           spectively; and

19           (H) by adding at the end the following:

20                “(17) to permit tribal governments receiving di-  
21                rect law enforcement services from the Bureau of In-  
22                dian Affairs to access the program under this section  
23                for use in accordance with paragraphs (1) through  
24                (16).”.

(2) in subsection (i), by striking “The authority” and inserting “Except as provided in subsection (j), the authority”; and

(3) by adding at the end the following:

“(j) GRANTS TO INDIAN TRIBES.—

“(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

“(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

“(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

1                   “(A) shall be 100 percent; and

2                   “(B) may be used to cover indirect costs.

3                   “(4) *AUTHORIZATION OF APPROPRIATIONS.*—

4                   *There is authorized to be appropriated to carry out*  
 5                   *this subsection \$40,000,000 for each of fiscal years*  
 6                   *2011 through 2015.*

7                   “(k) *REPORT.*—*Not later than 180 days after the date*  
 8                   *of enactment of this subsection, the Attorney General shall*  
 9                   *submit to Congress a report describing the extent and effec-*  
 10                   *tiveness of the Community Oriented Policing (COPS) ini-*  
 11                   *tiative as applied in Indian country, including particular*  
 12                   *references to—*

13                   “(1) *the problem of intermittent funding;*

14                   “(2) *the integration of COPS personnel with ex-*  
 15                   *isting law enforcement authorities; and*

16                   “(3) *an explanation of how the practice of com-*  
 17                   *munity policing and the broken windows theory can*  
 18                   *most effectively be applied in remote tribal loca-*  
 19                   *tions.”.*

20                   **SEC. 404. TRIBAL JAILS PROGRAM.**

21                   (a) *IN GENERAL.*—*Section 20109 of the Violent Crime*  
 22                   *Control and Law Enforcement Act of 1994 (42 U.S.C.*  
 23                   *13709) is amended by striking subsection (a) and inserting*  
 24                   *the following:*

1       “(a) *RESERVATION OF FUNDS.*—Notwithstanding any  
 2 other provision of this part, of amounts made available to  
 3 the Attorney General to carry out programs relating to of-  
 4 fender incarceration, the Attorney General shall reserve  
 5 \$35,000,000 for each of fiscal years 2011 through 2015 to  
 6 carry out this section.”.

7       (b) *REGIONAL DETENTION CENTERS.*—

8               (1) *IN GENERAL.*—Section 20109 of the Violent  
 9 Crime Control and Law Enforcement Act of 1994 (42  
 10 U.S.C. 13709) is amended by striking subsection (b)  
 11 and inserting the following:

12       “(b) *GRANTS TO INDIAN TRIBES.*—

13               “(1) *IN GENERAL.*—From the amounts reserved  
 14 under subsection (a), the Attorney General shall pro-  
 15 vide grants—

16                       “(A) to Indian tribes for purposes of—

17                               “(i) construction and maintenance of  
 18 jails on Indian land for the incarceration of  
 19 offenders subject to tribal jurisdiction;

20                               “(ii) entering into contracts with pri-  
 21 vate entities to increase the efficiency of the  
 22 construction of tribal jails; and

23                               “(iii) developing and implementing al-  
 24 ternatives to incarceration in tribal jails;

1           “(B) to Indian tribes for the construction of  
 2           tribal justice centers that combine tribal police,  
 3           courts, and corrections services to address viola-  
 4           tions of tribal civil and criminal laws;

5           “(C) to consortia of Indian tribes for pur-  
 6           poses of constructing and operating regional de-  
 7           tention centers on Indian land for long-term in-  
 8           carceration of offenders subject to tribal jurisdic-  
 9           tion, as the applicable consortium determines to  
 10          be appropriate.

11          “(2) *PRIORITY OF FUNDING.*—in providing  
 12          grants under this subsection, the Attorney General  
 13          shall take into consideration applicable—

14                 “(A) reservation crime rates;

15                 “(B) annual tribal court convictions; and

16                 “(C) bed space needs.

17          “(3) *FEDERAL SHARE.*—Because of the Federal  
 18          nature and responsibility for providing public safety  
 19          on Indian land, the Federal share of the cost of any  
 20          activity carried out using a grant under this sub-  
 21          section shall be 100 percent.”.

22          (2) *CONFORMING AMENDMENT.*—Section  
 23          20109(c) of the Violent Crime Control and Law En-  
 24          forcement Act of 1994 (42 U.S.C. 13709(c)) is amend-



1        *ed by inserting “or consortium of Indian tribes, as*  
 2        *applicable,” after “Indian tribe”.*

3            *(3) LONG-TERM PLAN.—Section 20109 of the*  
 4        *Violent Crime Control and Law Enforcement Act of*  
 5        *1994 (42 U.S.C. 13709) is amended by adding at the*  
 6        *end the following:*

7        *“(d) LONG-TERM PLAN.—Not later than 1 year after*  
 8        *the date of enactment of this subsection, the Attorney Gen-*  
 9        *eral, in coordination with the Bureau of Indian Affairs and*  
 10       *in consultation with tribal leaders, tribal law enforcement*  
 11       *officers, and tribal corrections officials, shall submit to Con-*  
 12       *gress a long-term plan to address incarceration in Indian*  
 13       *country, including—*

14            *“(1) a description of proposed activities for—*

15            *“(A) construction, operation, and mainte-*  
 16            *nance of juvenile (in accordance with section*  
 17            *4220(a)(3) of the Indian Alcohol and Substance*  
 18            *Abuse Prevention and Treatment Act of 1986 (25*  
 19            *U.S.C. 2453(a)(3)) and adult detention facilities*  
 20            *(including regional facilities) in Indian country;*

21            *“(B) contracting with State and local de-*  
 22            *tention centers, on approval of the affected tribal*  
 23            *governments; and*

24            *“(C) alternatives to incarceration, developed*  
 25            *in cooperation with tribal court systems;*

1           “(2) an assessment and consideration of the con-  
 2           struction of Federal detention facilities in Indian  
 3           country; and

4           “(3) any other alternatives as the Attorney Gen-  
 5           eral, in coordination with the Bureau of Indian Af-  
 6           fairs and in consultation with Indian tribes, deter-  
 7           mines to be necessary.”.

8   **SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.**

9           Title II of the Indian Tribal Justice Technical and  
 10          Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is  
 11          amended by adding at the end the following:

12   **“SEC. 203. ASSISTANT PROBATION OFFICERS.**

13          “To the maximum extent practicable, the chief judge  
 14          or chief probation or pretrial services officer of each judicial  
 15          district, in coordination with the Office of Tribal Justice  
 16          and the Office of Justice Services, shall—

17               “(1) appoint individuals residing in Indian  
 18               country to serve as probation or pretrial services offi-  
 19               cers or assistants for purposes of monitoring and pro-  
 20               viding services to Federal prisoners residing in In-  
 21               dian country; and

22               “(2) provide substance abuse, mental health, and  
 23               other related treatment services to offenders residing  
 24               on Indian land.”.

1 **SEC. 406. TRIBAL YOUTH PROGRAM.**

2 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY  
3 PREVENTION PROGRAMS.—Section 504 of the Juvenile Jus-  
4 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
5 5783) is amended—

6 (1) in subsection (a), by inserting “, or to feder-  
7 ally recognized Indian tribe or consortia of federally  
8 recognized Indian tribes under subsection (d)” after  
9 “subsection (b)”; and

10 (2) by adding at the end the following:

11 “(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION  
12 AND RESPONSE PROGRAMS.—

13 “(1) IN GENERAL.—The Administrator shall  
14 make grants under this section, on a competitive  
15 basis, to eligible Indian tribes or consortia of Indian  
16 tribes, as described in paragraph (2)—

17 “(A) to support and enhance—

18 “(i) tribal juvenile delinquency preven-  
19 tion services; and

20 “(ii) the ability of Indian tribes to re-  
21 spond to, and care for, juvenile offenders;  
22 and

23 “(B) to encourage accountability of Indian  
24 tribal governments with respect to preventing ju-  
25 venile delinquency and responding to, and car-  
26 ing for, juvenile offenders.

1           “(2) *ELIGIBLE INDIAN TRIBES*.—To be eligible to  
 2       receive a grant under this subsection, an Indian tribe  
 3       or consortium of Indian tribes shall submit to the Ad-  
 4       ministrator an application in such form and con-  
 5       taining such information as the Administrator may  
 6       require.

7           “(3) *CONSIDERATIONS*.—In providing grants  
 8       under this subsection, the Administrator shall take  
 9       into consideration, with respect to the Indian tribe to  
 10      be served, the—

11                 “(A) juvenile crime rates;

12                 “(B) dropout rates; and

13                 “(C) number of at-risk youth.

14           “(4) *AUTHORIZATION OF APPROPRIATIONS*.—  
 15       There is authorized to be appropriated \$25,000,000  
 16       for each of fiscal years 2011 through 2015.”.

17       (b) *COORDINATING COUNCIL ON JUVENILE JUSTICE*  
 18       *AND DELINQUENCY PREVENTION*.—Section 206(a)(2) of the  
 19       *Juvenile Justice and Delinquency Prevention Act of 1974*  
 20       (42 U.S.C. 5616(a)(2)) is amended—

21                 (1) in subparagraph (A), by striking “Nine” and  
 22       inserting “Ten”; and

23                 (2) in subparagraph (B), by adding at the end  
 24       the following:

“(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.”.

**SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.**

(a) *DEFINITIONS.—In this section:*

(1) *STATE.—*

(A) *IN GENERAL.—The term “State” means the State of Alaska.*

(B) *INCLUSION.—The term “State” includes any political subdivision of the State of Alaska.*

(2) *VILLAGE PUBLIC SAFETY OFFICER.—The term “village public safety officer” means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.*

(3) *TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b(l)).*

1       **(b) COPS GRANTS.**—*The State and any Indian tribe*  
 2   *or tribal organization in the State that employs a village*  
 3   *public safety officer shall be eligible to apply for a grant*  
 4   *under section 1701 of the Omnibus Crime Control and Safe*  
 5   *Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only*  
 6   *an Indian tribe or tribal organization may receive a grant*  
 7   *under the tribal resources grant program under subsection*  
 8   *(j) of that section) on an equal basis with other eligible ap-*  
 9   *plicants for funding under that section.*

10       **(c) STAFFING FOR ADEQUATE FIRE AND EMERGENCY**  
 11   **RESPONSE GRANTS.**—*The State and any Indian tribe or*  
 12   *tribal organization in the State that employs a village pub-*  
 13   *lic safety officer shall be eligible to apply for a grant under*  
 14   *the Staffing for Adequate Fire and Emergency Response*  
 15   *program under section 34 of the Federal Fire Prevention*  
 16   *and Control Act of 1974 (15 U.S.C. 2229a) on an equal*  
 17   *basis with other eligible applicants for funding under that*  
 18   *program.*

19       **(d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS**  
 20   **AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED**  
 21   **UNDER COPS PROGRAM.**—

22           **(1) IN GENERAL.**—*Any village public safety offi-*  
 23   *cer or tribal law enforcement officer in the State shall*  
 24   *be eligible to participate in any training program of-*

1      *ferred at the Indian Police Academy of the Federal*  
 2      *Law Enforcement Training Center.*

3            (2) *FUNDING.—Funding received pursuant to*  
 4      *grants approved under section 1701 of the Omnibus*  
 5      *Crime Control and Safe Streets Act of 1968 (42*  
 6      *U.S.C. 3796dd) may be used for training of officers*  
 7      *at programs described in paragraph (1) or at a police*  
 8      *academy in the State certified by the Alaska Police*  
 9      *Standards Council.*

10        (e) *FUNDS FOR COURTS OF LAW ENFORCEMENT OFFI-*  
 11      *CERS.—Section 112(a) of the Consolidated Appropriations*  
 12      *Act, 2004 (Public Law 108–199; 118 Stat. 62) is amend-*  
 13      *ed—*

14            (1) *by striking paragraph (1);*

15            (2) *by redesignating subparagraphs (A) and (B)*  
 16      *of paragraph (2) as paragraphs (1) and (2), respec-*  
 17      *tively, and indenting appropriately; and*

18            (3) *by redesignating clauses (i) through (iv) of*  
 19      *paragraph (2) (as so redesignated) as subparagraphs*  
 20      *(A) through (D), respectively, and indenting appro-*  
 21      *priately.*

1 **TITLE V—INDIAN COUNTRY**  
 2 **CRIME DATA COLLECTION**  
 3 **AND INFORMATION SHARING**

4 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**  
 5 **COUNTRY.**

6 (a) *GANG VIOLENCE*.—Section 1107 of the Violence  
 7 Against Women and Department of Justice Reauthorization  
 8 Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is  
 9 amended—

10 (1) in subsection (a)—

11 (A) by redesignating paragraphs (8)  
 12 through (12) as paragraphs (9) through (13), re-  
 13 spectively;

14 (B) by inserting after paragraph (7) the fol-  
 15 lowing:

16 “(8) the Office of Justice Services of the Bureau  
 17 of Indian Affairs;”;

18 (C) in paragraph (9) (as redesignated by  
 19 subparagraph (A)), by striking “State” and in-  
 20 serting “tribal, State,”; and

21 (D) in paragraphs (10) through (12) (as re-  
 22 designated by subparagraph (A)), by inserting  
 23 “tribal,” before “State,” each place it appears;  
 24 and



1           (2) in subsection (b), by inserting “tribal,” before  
2           “State,” each place it appears.

3           (b) *BUREAU OF JUSTICE STATISTICS*.—Section 302 of  
4           the Omnibus Crime Control and Safe Streets Act of 1968  
5           (42 U.S.C. 3732) is amended—

6           (1) in subsection (c)—

7                   (A) in each of paragraphs (3) through (6),  
8                   by inserting “tribal,” after “State,” each place it  
9                   appears;

10                   (B) in paragraph (7), by inserting “and in  
11                   Indian country” after “States”;

12                   (C) in paragraph (9), by striking “Federal  
13                   and State Governments” and inserting “Federal  
14                   Government and State and tribal governments”;

15                   (D) in each of paragraphs (10) and (11), by  
16                   inserting “, tribal,” after “State” each place it  
17                   appears;

18                   (E) in paragraph (13), by inserting “, In-  
19                   dian tribes,” after “States”;

20                   (F) in paragraph (17)—

21                           (i) by striking “State and local” and  
22                           inserting “State, tribal, and local”; and

23                           (ii) by striking “State, and local” and  
24                           inserting “State, tribal, and local”;

1           (G) in paragraph (18), by striking “State  
2           and local” and inserting “State, tribal, and  
3           local”;

4           (H) in paragraph (19), by inserting “and  
5           tribal” after “State” each place it appears;

6           (I) in paragraph (20), by inserting “, trib-  
7           al,” after “State”; and

8           (J) in paragraph (22), by inserting “, trib-  
9           al,” after “Federal”;

10          (2) in subsection (d)—

11           (A) by redesignating paragraphs (1)  
12           through (6) as subparagraphs (A) through (F),  
13           respectively, and indenting the subparagraphs  
14           appropriately;

15           (B) by striking “To insure” and inserting  
16           the following:

17           “(1) *IN GENERAL.*—To ensure”; and

18           (C) by adding at the end the following:

19           “(2) *CONSULTATION WITH INDIAN TRIBES.*—The  
20           Director, acting jointly with the Assistant Secretary  
21           for Indian Affairs (acting through the Office of Jus-  
22           tice Services) and the Director of the Federal Bureau  
23           of Investigation, shall work with Indian tribes and  
24           tribal law enforcement agencies to establish and im-  
25           plement such tribal data collection systems as the Di-

1        *rector determines to be necessary to achieve the pur-*  
 2        *poses of this section.”;*

3            *(3) in subsection (e), by striking “subsection*  
 4        *(d)(3)” and inserting “subsection (d)(1)(C)”;*

5            *(4) in subsection (f)—*

6            *(A) in the subsection heading, by inserting*  
 7        *“, Tribal,” after “State”; and*

8            *(B) by inserting “, tribal,” after “State”;*  
 9        *and*

10          *(5) by adding at the end the following:*

11        *“(g) REPORTS.—Not later than 1 year after the date*  
 12        *of enactment of this subsection, and annually thereafter, the*  
 13        *Director shall submit to Congress a report describing the*  
 14        *data collected and analyzed under this section relating to*  
 15        *crimes in Indian country.”.*

16        *(c) EFFECT OF GRANTS.—Nothing in this section or*  
 17        *any amendment made by this section—*

18            *(1) allows the grant to be made to, or used by,*  
 19        *an entity for law enforcement activities that the enti-*  
 20        *ty lacks jurisdiction to perform; or*

21            *(2) has any effect other than to authorize, award,*  
 22        *or deny a grant of funds to a federally recognized In-*  
 23        *dian tribe for the purposes described in the relevant*  
 24        *grant program.*

1 **SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PRO-**  
 2 **GRAM.**

3 (a) *IN GENERAL.*—Section 1301(a) of the Omnibus  
 4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 5 3796h(a)) is amended by inserting “, tribal,” after “State”.

6 (b) *EFFECT OF GRANTS.*—Nothing in this section or  
 7 any amendment made by this section—

8 (1) allows the grant to be made to, or used by,  
 9 an entity for law enforcement activities that the enti-  
 10 ty lacks jurisdiction to perform; or

11 (2) has any effect other than to authorize, award,  
 12 or deny a grant of funds to a federally recognized In-  
 13 dian tribe for the purposes described in the relevant  
 14 grant program.

15 **TITLE VI—DOMESTIC VIOLENCE**  
 16 **AND SEXUAL ASSAULT PROS-**  
 17 **ECUTION AND PREVENTION**

18 **SEC. 601. PRISONER RELEASE AND REENTRY.**

19 (a) *DUTIES OF BUREAU OF PRISONS.*—Section 4042  
 20 of title 18, United States Code, is amended—

21 (1) in subsection (a)(4), by inserting “, tribal,”  
 22 after “State”;

23 (2) in subsection (b)(1), in the first sentence, by  
 24 striking “officer of the State and of the local jurisdic-  
 25 tion” and inserting “officers of each State, tribal, and  
 26 local jurisdiction”; and

1           (3) in subsection (c)(1)—

2                   (A) in subparagraph (A), by striking “offi-  
3           cer of the State and of the local jurisdiction” and  
4           inserting “officer of each State, tribal, and local  
5           jurisdiction”; and

6                   (B) in subparagraph (B), by inserting “,  
7           tribal,” after “State” each place it appears.

8           (b) *AUTHORITY OF INSTITUTE; TIME; RECORDS OF*  
9           *RECIPIENTS; ACCESS; SCOPE OF SECTION.*—Section  
10   4352(a) of title 18, United States Code, is amended—

11                   (1) in paragraphs (1), (3), (4), and (8), by in-  
12           serting “tribal,” after “State,” each place it appears;

13                   (2) in paragraph (6)—

14                           (A) by inserting “and tribal communities,”  
15           after “States”; and

16                           (B) by inserting “, tribal,” after “State”;  
17           and

18                   (3) in paragraph (12) by inserting “, tribal,”  
19           after “State”.

20   **SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE**  
21                   **TRAINING.**

22           Section 3(c)(9) of the Indian Law Enforcement Reform  
23   Act (25 U.S.C. 2802(c)(9)) (as amended by section  
24   101(a)(2)) is amended by inserting before the semicolon at  
25   the end the following: “, including training to properly

1 *interview victims of domestic and sexual violence and to*  
 2 *collect, preserve, and present evidence to Federal and tribal*  
 3 *prosecutors to increase the conviction rate for domestic and*  
 4 *sexual violence offenses for purposes of addressing and pre-*  
 5 *venting domestic and sexual violent offenses”.*

6 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.**

7 *The Indian Law Enforcement Reform Act (25 U.S.C.*  
 8 *2801 et seq.) (as amended by section 305) is amended by*  
 9 *adding at the end the following:*

10 **“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.**

11 *“(a) APPROVAL OF EMPLOYEE TESTIMONY OR DOCU-*  
 12 *MENTS.—*

13 *“(1) IN GENERAL.—The Director of the Office of*  
 14 *Justice Services or the Director of the Indian Health*  
 15 *Service, as appropriate (referred to in this section as*  
 16 *the ‘Director concerned’), shall approve or disapprove,*  
 17 *in writing, any request or subpoena from a tribal or*  
 18 *State court for a law enforcement officer, sexual as-*  
 19 *sault nurse examiner, or other employee under the su-*  
 20 *pervision of the Director concerned to provide docu-*  
 21 *ments or testimony in a deposition, trial, or other*  
 22 *similar criminal proceeding regarding information*  
 23 *obtained in carrying out the official duties of the em-*  
 24 *ployee.*

1           “(2) *DEADLINE.*—*The court issuing a subpoena*  
 2           *under paragraph (1) shall provide to the appropriate*  
 3           *Federal employee (or agency in the case of a docu-*  
 4           *ment request) notice regarding the request to provide*  
 5           *testimony (or release a document) by not less than 30*  
 6           *days before the date on which the testimony will be*  
 7           *provided.*

8           “(b) *APPROVAL.*—

9           “(1) *IN GENERAL.*—*The Director concerned shall*  
 10          *approve a request or subpoena under subsection (a) if*  
 11          *the request or subpoena does not violate the policy of*  
 12          *the Department to maintain impartiality.*

13          “(2) *FAILURE TO APPROVE.*—*If the Director con-*  
 14          *cerned fails to approve or disapprove a request or*  
 15          *subpoena for testimony or release of a document by*  
 16          *the date that is 30 days after the date of receipt of*  
 17          *notice of the request or subpoena, the request or sub-*  
 18          *poena shall be considered to be approved for purposes*  
 19          *of this section.”.*

20   **SEC. 604. COORDINATION OF FEDERAL AGENCIES.**

21          *Any report of the Secretary of Health and Human*  
 22          *Services to Congress on the development of Indian victim*  
 23          *services and victim advocate training programs shall in-*  
 24          *clude any recommendations that the Secretary determines*

1 *to be necessary to prevent the sex trafficking of Indian*  
 2 *women.*

3 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

4 *The Indian Law Enforcement Reform Act (25 U.S.C.*  
 5 *2801 et seq.) (as amended by section 603) is amended by*  
 6 *adding at the end the following:*

7 **“SEC. 17. POLICIES AND PROTOCOL.**

8 *“The Director of the Indian Health Service, in coordi-*  
 9 *nation with the Director of the Office of Justice Services*  
 10 *and the Director of the Office on Violence Against Women*  
 11 *of the Department of Justice, in consultation with Indian*  
 12 *Tribes and Tribal Organizations, and in conference with*  
 13 *Urban Indian Organizations, shall develop standardized*  
 14 *sexual assault policies and protocol for the facilities of the*  
 15 *Service, based on similar protocol that has been established*  
 16 *by the Department of Justice.”.*

17 **SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC**  
 18 **VIOLENCE RESPONSE CAPABILITIES.**

19 *(a) STUDY.—The Comptroller General of the United*  
 20 *States shall—*

21 *(1) conduct a study of the capability of Indian*  
 22 *Health Service facilities in remote Indian reserva-*  
 23 *tions and Alaska Native villages, including facilities*  
 24 *operated pursuant to contracts or compacts under the*  
 25 *Indian Self-Determination and Education Assistance*



1     *Act (25 U.S.C. 450b et seq.), to collect, maintain, and*  
2     *secure evidence of sexual assaults and domestic vio-*  
3     *lence incidents required for criminal prosecution; and*  
4         *(2) develop recommendations for improving those*  
5     *capabilities.*

6     *(b) REPORT.—Not later than 1 year after the date of*  
7     *enactment of this Act, the Comptroller General shall submit*  
8     *to the Committee on Indian Affairs of the Senate and the*  
9     *Committee on Natural Resources of the House of Represent-*  
10    *atives a report describing the results of the study under sub-*  
11    *section (a), including the recommendations developed under*  
12    *that subsection, if any.*

Attest:

*Secretary.*

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H.R. 725**

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**AMENDMENT**